

स्व. चौ. गुगनराम सिहाग व उनकी छोटी बहन स्व. श्रीमती गीना देवी के शुभाशीर्वाद से प्रकाशित
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भारत में महिलाओं के अधिकारों का संरक्षण : मुद्दे एवं चुनौतियां

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नोट :- उर्दू, पंजाबी आदि भाषा के शोध पत्र पेपर साईज 7x9.5 पर टाईप कराकर JPG या PDF फाईल हमारी ईमेल आई.डी. पर भेज सकते हैं।

हमारी पत्रिका में शोध पत्र लेखक के फोटो सहित प्रकाशित किये जाते हैं। इसलिए आप अपने शोध पत्र के साथ पासपोर्ट साईज फोटोग्राफ, सम्पर्क सूत्र; टेलीफोन, मोबाईल नं., ई-मेल तथा पिनकोड सहित पत्र व्यवहार का पूरा पता (हिन्दी व अंग्रेजी) कम्प्यूटर द्वारा टाईप करवाकर भेजें।

शोध पत्र 2000-2500 शब्दों (4-6 पेज) से अधिक नहीं होनी चाहिए, यदि शब्द सीमा अधिक होती है तो सम्पादक को अधिकार होगा यथा स्थान संक्षिप्तीकरण कर दें। अस्वीकृत शोध पत्र की वापसी संभव नहीं है।

पत्रिका में प्रकाशित श्रेष्ठ शोध पत्र को हमारी सोसायटी/पत्रिका की ओर से बहुउपयोगी श्रीमती गिना देवी शोधश्री सम्मान प्रदान किया जायेगा।

शोध पत्र में व्यक्त विचार लेखकों के स्वयं के विचार हैं। उनसे सम्पादक, प्रकाशक की सहमति आवश्यक नहीं है। शोध पत्र में प्रयुक्त किए गए तथ्यों के प्रति संबंधित लेखक उत्तरदायी होगा। पत्रिका में शोध आलेख प्रकाशन के लिए भेजने से पहले सम्पूर्ण जानकारी प्राप्त करना लेखक का दायित्व है। प्रत्येक विवाद का न्यायक्षेत्र भिवानी (हरियाणा) होगा।

सम्पादकीय पद अव्यावसायिक और अवैतनिक हैं। पत्रिका में केवल शोध पत्र ही प्रकाशनार्थ भेजें। शोध पत्र का प्रकाशन योजना एवं व्यवस्था के अनुसार यथा समय व प्रकाशित समस्त शोध पत्रों का सर्वाधिकार समिति/सम्पादक के पास सुरक्षित होगा।

नोट :

सहयोग/सदस्यता राशि 1100/- रु. का ड्राफ्ट/चैक/आई.पी.ओ. 'गुगनराम एजुकेशनल एण्ड सोशल वेलफेयर सोसायटी' के नाम भेजें तथा ऑनलाईन बैंक में सहयोग जमा राशि की रसीद की फोटोप्रति अपने आलेख के साथ हमें मेल कर सूचित करने का कष्ट करें ताकि समय पर रसीद भेजी जा सके। ऑनलाईन सहयोग राशि के साथ 50/- रु. अतिरिक्त अवश्य जमा करवायें। प्रकाशन सहयोग शुल्क वापिस देय नहीं।

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Table 2

Methodology for University and College Teachers for calculating Academic/Research Score

(Assessment must be based on evidence produced by the teacher such as: copy of publications, project sanction letter, utilization and completion certificates issued by the University and acknowledgements for patent filing and approval letters, students' Ph.D. award letter, etc.,)

S.N.	Academic/Research Activity	Faculty of Sciences /Engineering / Agriculture / Medical /Veterinary Sciences	Faculty of Languages / Humanities / Arts / Social Sciences / Library /Education / Physical Education / Commerce / Management & other related disciplines
1.	Research Papers in Peer-Reviewed or UGC listed Journals	08 per paper	10 per paper
2.	Publications (other than Research papers)		
	(a) Books authored which are published by ;		
	International publishers	12	12
	National Publishers	10	10
	Chapter in Edited Book	05	05
	Editor of Book by International Publisher	10	10
	Editor of Book by National Publisher	08	08
	(b) Translation works in Indian and Foreign Languages by qualified faculties		
	Chapter or Research paper	03	03
	Book	08	08
3.	Creation of ICT mediated Teaching Learning pedagogy and content and development of new and innovative courses and curricula		
	(a) Development of Innovative pedagogy	05	05
	(b) Design of new curricula and courses	02 per curricula/course	02 per curricula/course

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बधाई संदेश



मुझे यह जानकर बहुत प्रसन्नता हुई है कि बोहल शोध मञ्जूषा का विशेष अंक 'भारत में महिलाओं के अधिकारों का संरक्षण : मुद्दे एवं चुनौतियां' का प्रकाशन डॉ० कप्तान चंद के संपादकीय नेतृत्व एवं डॉ० सीमा जैन व डॉ० अशोक व्यास के सह-संपादन में हो रहा है। जो कि विधि ही नहीं बल्कि सामाजिक परिप्रेक्ष्य का भी अति महत्वपूर्ण विषय है। महिलाओं के अधिकारों के संरक्षण से संबंधित इस महत्वपूर्ण विषय पर शोध पत्र संकलित कर पत्रिका के रूप में प्रकाशित किये जाने से इस पत्रिका का लाभ विधि विषय से जुड़े विद्यार्थियों के साथ ही अन्य विषयों के शिक्षक व विद्यार्थियों को भी मिलेगा ऐसा मुझे विश्वास है। इस महत्वपूर्ण विषय के शैक्षणिक कार्य संपादन हेतु मैं डॉ० कप्तान चन्द व इनकी टीम को बधाई देता हूँ एवं उनके उज्ज्वल भविष्य की कामना करता हूँ।

डॉ० भगवान राम बिरनोई

प्राचार्य, राजकीय विधि स्नातकोत्तर महाविद्यालय, बीकानेर
अधिष्ठाता (विधि), महाराजा गंगासिंह विश्वविद्यालय, बीकानेर।

बधाई संदेश



मुझे यह जानकर प्रसन्नता हुई है कि बोहल शोध मञ्जूषा का विशेष अंक 'भारत में महिलाओं के अधिकारों का संरक्षण : मुद्दे एवं चुनौतियां' डॉ० कप्तान चन्द चारण के संपादकीय नेतृत्व में प्रकाशित हो रहा है। इस असीम महत्वपूर्ण शैक्षणिक कार्य संपादन हेतु मैं डॉ० कप्तान चन्द चारण को बधाई देता हूँ एवं उनके उज्ज्वल भविष्य की कामना करता हूँ।

(ह.)

प्रो० सुरेश कुमार अग्रवाल

विभागाध्यक्ष (अंग्रेजी)

महाराजा गंगा सिंह विश्वविद्यालय, बीकानेर



बधाई संदेश

मुझे यह जानकर बहुत प्रसन्नता हुई है कि बोहल शोध मञ्जूषा का विशेष अंक 'भारत में महिलाओं के अधिकारों का संरक्षण : मुद्दे एवं चुनौतियां' का प्रकाशन होने जा रहा है। पितृसत्तात्मक व्यवस्था में यह पत्रिका मील का पत्थर साबित होगी ऐसा मेरा मानना है। यह विषय भारतीय संविधान की प्रस्तावना का अनुसरण करने वाला प्रतीत होता है जो कि डॉ० कप्तान चंद के संपादकीय नेतृत्व में प्रकाशित हो रहा है। महिलाओं के अधिकारों के संरक्षण से संबंधित इस महत्वपूर्ण विषय पर शोध पत्र संकलित कर पत्रिका के रूप में प्रकाशित किये जाने से इस पत्रिका का लाभ विधि विषय से जुड़े बुद्धिजीवी तो लेंगे ही साथ ही अन्य विषयों के शिक्षक व विद्यार्थियों को भी इस पत्रिका से शैक्षणिक लाभ मिलेगा ऐसा मुझे विश्वास है। इस महत्वपूर्ण विषय के शैक्षणिक कार्य संपादन हेतु मैं डॉ० कप्तान चन्द को बधाई देती हूं एवं उनके उज्ज्वल भविष्य की कामना करती हूं।

(ह०)

Dr. Neha Goyal (RJS)

Senior Civil Judge & Additional Chief Judicial Magistrate.

CONGRATULATIONS

I am delighted to know that BohalShodhManjusha is going to publish a special issue devoted to "**Protection of Women Rights: Issues and Challenges in India**" under the Captainship of **Dr. Kaptan Chand** Editor and **Dr. Seema Jain** Co-editor.



I extend my good wishes for the success of this endeavour. It is an opportunity for all the teachers, Students of Law Schools as well as belonging to other streams to share their views for one of the disadvantaged groups of the society, namely, 'women'.

It was rightly remarked women represent half of the talent and half of the energy of mankind. Surely they cannot be ignored, particularly when we are on the path of development. It is a matter of regret that women at lower levels are victim of discrimination. They must be acknowledged as an important pre-requisite to national development and given a high priority.

I once again extend my best wishes to the Editorial group and participants for their untiring efforts. I am looking forward towards the publication with high expectations.

Dr. Anil Kaushik

Dean, School of Law

R.N.B. Global University, Bikaner



यत्र नार्यस्तु पूज्यंते रमंते तत्र देवताः

यत्रैतास्तु न पूज्यंते सर्वास्तत्राफलाः क्रियाः ॥५६॥ अ- ३ मनुस्मृतिः



बोहल शोध मंजूषा पत्रिका का यह विशेषांक 'भारत में महिलाओं के अधिकारों का संरक्षण : मुद्दे व चुनौतियाँ' विषय पर प्रकाशित किया जा रहा है। चूंकि यह विषय समाज की दुरुभांति पर आक्रमण करता है इसलिए कुछ शोध पत्रों में सामाजिक कुरीतियों पर कटाक्ष किए जाना स्वाभाविक है। हालांकि प्रबुद्धजनों द्वारा शोध पत्रों में भाषा का संयम रखा गया है फिर भी कहीं किसी विशेष शब्द का प्रयोग किया जाता है तो कोई अतिशयोक्ति नहीं होगी।

विश्व भर में महिलाओं की स्थिति पर सर्वे हो रहे हैं जिनमें महिलाओं की स्थिति के आंकड़े चिंतनीय है। विभिन्न सर्वे रिपोर्टों का निष्कर्ष यही निकलता है कि आज के इस आधुनिक युग में महिलाओं के अधिकारों के संरक्षण के लिए विभिन्न कानूनों की व्यवस्था होते हुए भी महिलाओं की स्थिति में सुधार करने के लिए सरकारों को ओर अधिक ध्यान देने की आवश्यकता है। अन्यथा स्थिति दिन पर दिन दयनीय होती चली जाएगी और महिलाओं के अधिकारों की बात किताबी ही रह जाएगी। वैश्विक स्तर पर देखा जाए तो बड़ी-बड़ी मल्टीनेशनल कंपनियों के अधिकारी स्तर पर महिलाओं की भागीदारी भी है लेकिन उन्हें पुरुषों की अपेक्षा वेतन या पैकेज कम दिया जाता है जो वास्तविक भेदभाव को दर्शाता है। हालांकि भारतवर्ष में महिलाओं को आदिकाल से ही पूजनीय माना जाता रहा है बावजूद इसके कि महिलाओं पर अत्याचार भी होते रहे हैं जो विभिन्न कालों में अलग-अलग रूप में हुए हैं। जिन्हें हमने कुरीतियों का नाम भी दिया और कानून बनाकर अत्याचारों पर लगाम कसने का प्रयास भी किया।

जैसे :- सती प्रथा, बहु विवाह, दासी प्रथा, पर्दा प्रथा, बाल विवाह आदि को कानून बना कर रोक लगाने का प्रयास किया गया। उन कानूनों का प्रभाव बहुत धीमी गति से हुआ क्योंकि कुप्रथा एवं रूढ़ियां धर्म के सहारे बढ़ती रही। नए कानूनों को लोगों ने स्वीकार करने में समय लगाया इसके पीछे की वजह मानसिक तौर पर घर कर चुकी तात्कालिक सामाजिक सोच व पितृसत्तात्मक सामाजिक व्यवस्था रही है। इस सामाजिक व्यवस्था के चलते लोगों ने स्त्रियों को घर की दहलीज लांघने में मदद करने के बजाय अड़चन डालना उचित समझा। लेकिन समय सदैव एक सा नहीं रहता और जब समय ने अंगड़ाई ली तो महिलाओं ने स्वयं हिम्मत दिखाई और बहुत सी महिलाएं विभिन्न क्षेत्रों में अपने अस्तित्व को स्थापित करने में सफल हुईं। किंतु आज भी हमें यह सुनने को मिल जाता है कि सरपंच पद पर महिला होती है लेकिन सभी कार्य उस महिला के पति द्वारा किए जाते

हैं, ऐसे में एक नया ही पद सृजित हुआ जिसे लोग 'सरपंच पति' कहने लगे।

आज के वर्तमान संदर्भ में हम देखते हैं कि महिलाएं बहुत से लोकसेवक पदों पर अपना स्थान बना चुकी है। बहुत से ऐसे नाम हैं जिन्हें हम चाह कर भी अपनी याद से भुला नहीं सकते क्योंकि ऐसी महिलाओं ने अपने समय में ऐसे कारनामे किए हैं जो पुरुष शायद ही कर पाते। मैं कुछ नामों का जिक्र भी करना चाहूंगा जैसे इतिहास में छपे नाम 'शबरी' जिसने श्री रामचंद्र जी के दर्शनों के लिए 10 हजार वर्ष सत्र किया, मीराबाई, सहजोबाई, पन्नाधाय, माता गुजरी, रजिया सुल्तान, रानी लक्ष्मीबाई, रंगीली आदी ऐतिहासिक पृष्ठभूमि की महिलाएं हैं जिन्होंने साहस के साथ अपने सामने आने वाली हर बाधा को सामाजिक बंधनों के बावजूद तोड़ते हुए दूर किया। आधुनिक भारत की विख्यात महिलाओं की भी चर्चा की जाए तो प्रथम प्रधानमंत्री के रूप में स्वर्गीय इंदिरा गांधी 'आयरन लेडी' कहलाई, भारत की प्रथम आईपीएस किरण बेदी, भारत की प्रथम महिला राष्ट्रपति श्रीमती प्रतिभा देवी सिंह पाटिल आदी उच्चस्थ पदों पर रहीं। कुछ महिलाएं राज्यों के मुख्यमंत्री पद पर आसीन रही जैसे जयललिता, मायावती, वसुंधरा राजे सिंधिया, राबड़ी देवी इत्यादि। सभी महिलाएं भारतीय संविधान में दिए गए समानता के अधिकार के कारण ही अपनी छाप विभिन्न क्षेत्रों में छोड़ने में कामयाब रहीं। विभिन्न ओलंपिक खेलों में भी भारतीय महिलाएं आगे आ रही हैं गोल्ड मेडल ला रही हैं विश्व स्तर पर भारत का नाम रोशन कर रही हैं और सिनेमा जगत की बात करें तो बहुत सी फिल्मों में अब नायक की तरह ही नायिका भी मुख्य भूमिका में नजर आती हैं। यह भारतीय महिलाओं के जीवन स्तर में बदलाव के लिए आमूलचूल परिवर्तन करने में सहायक है। लेकिन इन सबके बावजूद आज भी बहुत से किस्से महिलाओं के शोषण के सुनने को मिल ही जाते हैं। जोकि सामाजिक कुरीतियों की व्यवस्था को बरकरार रखे हुए हैं। अब भी दहेज हत्या जैसे मामले, ब्लात्कार जैसी घटनाएं, कार्य क्षेत्र में महिलाओं के शोषण की घटनाएं थमने का नाम नहीं ले रही। इसलिए महिलाओं के कहीं भी स्वतंत्र विचरण करने व कारोबार करने की स्वतंत्रता के अधिकारों को सुनिश्चित करने के लिए सरकारों को अभी और सजगता दिखाने की आवश्यकता है। यह न केवल सरकारों की जिम्मेदारी है बल्कि समाज में आम नागरिकों की भी जिम्मेदारी है। महिलाओं के प्रति अपने रवैये को जिम्मेदाराना बनाएं और जहां महिलाओं का शोषण होता दिखे आम नागरिक को पुरजोर विरोध पर उतरना चाहिए ताकि निर्भया कांड जैसी घटनाओं पर अंकुश लग सके।

मेरे विचार से भारतीय सभ्यता बहुत मजबूत है, जरूरत है तो बस यह कि भारतीय सभ्यता व संस्कृति का प्रचार-प्रसार सही ढंग से जन-जन तक पहुंचाया जाए। जहां तक मेरा विचार है यह बहुत आसान हो सकता है, यदि भारतीय शिक्षा व्यवस्था में स्कूली शिक्षा से ही कानून के मुख्य बिंदुओं को एक विषय के रूप में स्थान दिया जाए। क्योंकि बच्चे देश का भविष्य निर्माण करते हैं। विशेषतः मूल अधिकारों का एक विषय तो स्कूलों में पढ़ाया जाना उचित होगा और स्कूल से ही बच्चों में कानून व संविधान के सम्मान की भावना भरी जाए तो आगे चलकर बच्चे ही भारत का उज्ज्वल भविष्य बनेंगे और किसी प्रकार का अनैतिक कृत्य करने से बचेंगे। हालांकि स्कूली शिक्षा में कानून के विषय को पढ़ाया जाए तो संविधान के प्रति विश्वास व सम्मान का भाव बच्चों में भरने में सहायक तो होगा लेकिन महिलाओं के विरुद्ध अपराध समाप्त हो ही जाएंगे यह संभव नहीं। किंतु महिलाओं के विरुद्ध होने वाले अत्याचारों को कुछ हद तक कम जरूर किया जा सकता है या अंकुश लगाया जा सकता है। उक्त चिंतन व मनन को मूर्त रूप दिया जाना सामाजिक व्यवस्था बनाए रखने के लिए आवश्यक है, जो भारत

के भविष्य निर्माण में सहायक होगा और भारत विश्व गुरु बनने में सक्षम हो जाएगा। इसलिए इस शोध पत्रिका में विद्वानों द्वारा अपने शोध पत्रों में महिलाओं के विरुद्ध हो रहे शोषण अत्याचारों का जिक्र करते हुए फिक्र भी किया गया है। शोध पत्रों के लेखकों द्वारा लोगों के विरुद्ध अपराधों को कम करने हेतु विभिन्न युक्तियां व उपायों को भी अपने शोध पत्रों के माध्यम से बताया गया है।

मुझे व मेरे साथियों को इस शोध पत्रिका के प्रकाशन को सार्वजनिक करते हुए अति हर्ष हो रहा है, क्योंकि समाज को इस शोध पत्रिका में प्रकाशित विभिन्न शोध पत्रों द्वारा अलग-अलग अपराधों से बचने के विभिन्न उपाय भी सुझाए गए हैं, जिनसे समाज अवश्य ही लाभान्वित होगा। मेरी नजर में महिलाओं के विरुद्ध अपराधों पर शोध पत्रों की यह पहली शोध पत्रिका होगी जो केवल महिला अधिकारों और महिलाओं को अपराधों से संरक्षण के शोध पत्रों के प्रकाशन पर केंद्रित है। मुझे आशा ही नहीं पूर्ण विश्वास भी है की विधि विषय के विद्वान ही नहीं बल्कि विभिन्न विषयों से जुड़े बुद्धिजीवी भी इस शोध पत्रिका का लाभ उठाएंगे और सम्मान देंगे।
धन्यवाद।



डॉ० कप्तान चन्द,
विशेषांक संपादक



Girls Juvenile Delinquency : Law & Society

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Abstract :-

Gender difference not only have on effect on Crime Patterns, but also may have a significant impact on the way children are treated by the Juvenile Justice System. Girls actually commit lesser crimes and fewer violent crimes. Girls and boys come into contact with the Justice System for similar reasons. Both (Girl Juvenile- Boy Juvenile) tend to share lower socio-economic disrupted family backgrounds and other difficult situations. However, the path that leads girls into the justice system differ from their male counterparts with reference to prevalence and type of trauma, family loss, physical and sexual abuse, and being victims of incest. Delinquent girls also differ from delinquent boys as they tend to be more relationship oriented and internalize response to trauma differently. Across the world, the Juvenile Justice System was originally designed to deal with the problems of boys and in doing so neglected the gender specific programming and treatment needs of girls. These differences required separate planning to meet the needs of girls in a system designed to manage male population. It is in this backdrop that this paper, while highlighting the features of girl delinquency, attempts to give voice to the requirements of gender responsive programs and practices to ensure that girls receive the attention and treatment they need.

Key words :- Juvenile Justice, Delinquent Girls, Gender Difference, Crimes, Victim.

The term Juvenile Justice emanates from the word Juvenile which in Latin means young, and hence a justice system for the young. The concept of juvenile justice was derived from the belief that the problems of Juvenile delinquency and youth in abnormal situations are not amenable to resolution within the traditional processes of criminal laws. Juvenile Justice was thus looked as administrating justice to minors who have/are alleged to have broken the law. It was also about modifying a criminal justice system designed for adults to cater to the age specificities and circumstances of children and youth. Over the years, increasingly a need was felt to ensure that the Juvenile Justice System was designed not only to respond to the need of young offender but also provide specialized and preventive treatment services for children and young persons as a means of secondary prevention, rehabilitation and improved socialization.

While the Juvenile Justice System did not distinguish between girls and boys in term of sentencing and services in its early development stage, however different attitudes and perceptions regarding girls and boys over time can be discerned which informed the policy, practice and academic discourse. Analysis of the Juvenile Justice System and related institutions since their inception reveals the existence of a dual image of girls who were at the same time thought to be more vulnerable than boys and needed more care, while their delinquent behavior was

seen as 'worse' than that of the boys. Female Juveniles were generally considered to be breaking not only the law but also gender role expectations. The main aim of the mission and societies for delinquent girls in the nineteenth century was to instill good virtues and raise consciousness in them. In the twentieth century while there was the revitalization of detention centers for boys, such centers for girls were closed. The conservative governments suggested that the number of delinquent girls under the age of eighteen years was so less that institutions for them may be abolished.

The Juvenile Justice System's response to girls has been significantly influenced by broad socio-political and religious expectation of 'appropriate female behavior'. Double standards have continually been applied with regard to girls and boy's sexual behavior, with girls being subject to more scrutiny because they were viewed as uncontrollable and worse than boys simply because of high expectations of their behaviour. At the same time they were considered more psychiatrically disturbed than boys, which reflected the normal discourse in which women's behaviour was defined.

Delinquency has strong gender association. In India, according to the National Crime Records Bureau (NCRB), data shows that the delinquency rate of male juvenile offenders is more than double that of girl Juveniles. Criminological theories about female pathways into crimes have been many. The theories relating to girls and young women has been unusually conservative compared with these relating to males, reflecting cultural conceptions of psychological functioning and social structural expectations of behaviour. Studies on girl and young women point to high levels of emotional instability, mental illness, low self esteem and psychological disturbances among girls. This has been attributed to psychological impact because of family dysfunction, obstacles in positive affective relationship and so on.

It is also evident that girls are induced to be more passive and domesticated than boys who are encouraged to be more ambitious, aggressive and extrovert. However, there is a common thread in such theories and it is in control theories that useful insights regarding males and females differential involvement in crime could be gathered. Various restrictive and simulative factors encourage women to conform to social norms that don't apply to men, one example being the fear of sexual assault. Girls are subject to stronger family control than the boys. Cultural concepts are such that society at large is less tolerant of deviant behaviour among girls than among boys. In addition, aggression and violence play an important role in the construction of masculinity and sexuality in patriarchal societies, the primary objective being to reinforce and maintain the status and authoritative position of men.

Girls are generally arrested for non-violent offences such as theft. They are more likely than boys to be charged with and placed in detention for status offences. Status offence are acts that would not be considered criminal if one were an adult. However, because they are under the age of 18, these offences are handled by the juvenile justice system. Status offences include underage drinking, being incorrigible, truancy and running away from home, etc. Females also present a lower level of risk of re-offending and grow or mature out of crime rather sooner than their male counterparts.

Girls and boys come into contact with the Juvenile court for similar reasons. Both tend to share lower socioeconomic status, disrupted family backgrounds and difficulties in schooling. There are, however, key differences between girls and boys that have significant implication for how they engage in status offence behaviour. The

system to address particular needs of girl Juveniles must involve more than just taking elements of response developed with boys in mind and changing a few things to make these suitable for girls. The juvenile justice system was originally designed to deal with the problems of young men, in doing so, neglected the gender-specific programming and treatment needs of girl. Further, girls respond differently than boys to interventions and treatment and these differences require separate research and planning to meet to needs of girls, in a system designed to manage and serve predominantly male population. No evidence based programs currently exists for gender responsive treatment of female delinquency.

Since delinquent behaviour is often determined by multiple factors, addressing just one factor such as helping youth to form healthy interpersonal relationships or parents discipline skills is unlikely to have a substantial impact. For a program to be comprehensive and effective, it needs to address the risk and protective factors for girls in the juvenile system. In particular, it should be able to promote academic achievement and attachment to school, develop life skills, build positive inter-personal relationships including within the family and with peers, and address mental and physical health concerns. In order to achieve positive changes in girl juveniles, there is need to maintain an environment of physical, emotional and psychological safety. Strengths based models for girls Juvenile may be more effective than deficit based or punitive approaches. Strengths based programs that contain restorative justice component may be particularly effective with female juvenile delinquents develop positive identities and an awareness of their abilities.

In India, the child friendly measures in the juvenile justice legislation are indicative of the legislature's intention that the benefits of these provisions be available to all juveniles irrespective of the nature of the crimes committed by them. The issue of serious juvenile crime is a complex one warranting a judicious approach to be adopted in order to effectively address the competing interests of juveniles, the victims, especially women and girls, and that of public safety. The most glaring deficiency of the Juvenile Justice Act is that it is gender blind. The child rights activists who are resisting any change in this law are ignoring this defect. The present Juvenile Justice Act is flat, rigid and indifferent to social reality. The law is largely silent on girl juveniles, though there are rules providing for segregation based on sex in the observation Homes, Special Homes and for reintegration into society through customized after care programs. There is a steady increase in the number of girls entering the juvenile justice system not equipped to address their needs. Law makers should create greater incentives and provide stricter guidelines encouraging facilities to implement gender specific programs.

As we enter or more hopeful era in Juvenile Justice, to reduce structural gender bias, it is essential Juvenile Justice Reforms must utilize the tools now available to it to prevent repetition of unconscious gender discrimination and create a fairer and more positive justice for girls.

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Women Empowerment in Indian Culture

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Introduction :-

Women empowerment in simple words can be understood as giving power to women to decide for their own lives or inculcating such abilities in them so that they could be able to find their rightful place in the society. In other words, the underlying assumption is that women's empowerment is the process of having and using resources in an agentic manner to reach certain achievements (Kabeer, 1999, Malhotra et al., 2002, Bali Swain and Wallenstein, 2009, Khan and Khan, 2016). According to the United Nations, women's empowerment mainly has five components: Generating women's sense of self-worth, Women's right to have and to determine their choices, Women's right to have access to equal opportunities and all kinds of resources, Women's right to have the power to regulate and control their own lives, within and outside the home and Women's ability to contribute in creating a more just social and economic order. Thus, women empowerment is nothing but recognition of women's basic human rights and creating an environment where they are treated as equals to men.

Empowerment refers to a situation where the powerless gain greater control over resources and ideologies. It has been associated with terms such as autonomy, power, status and agency. The Indian constitution has very clearly given an equal level playing ground to women and has directed authorities to frame rules and regulations to safe guard the right. However, feminist scholars during 1970s as a way to challenge patriarchy, as a radical approach concerned with transforming power relations in favour of women's rights and gender equality It in 1980s (Batliwala, 2007) and as an individual process of self-transformation during 1990s (Batliwala, 1994; Kabeer, 1994; Rowlands, 1997; Sen, 1997). They highlight the complex reciprocal relationship between women's self-understanding (Kabeer, 1994) and capacity for self-expression (Sen, 1997), as well as women's access to and control over material resources.

Need of women empowerment :-

Women empowerment is considered as a process that takes place over time, making women agents who formulate choices, control resources and make strategic life choices (Lee-Rife, 2010). Need for empowerment arose due to centuries of domination and discrimination done by men over women; women are the suppressed lot. They are the target of varied types of violence and discriminatory practices done by men all over the world. India is no different. India is a complex country. We have, through centuries, developed various types of customs, traditions and practices. These customs and traditions, good as well as bad, have become a part of our society's collective

consciousness. We worship female goddesses; we also give great importance to our mothers, daughters, sisters, wives and other female relatives or friends. But at the same time, Indians are also famous for treating their women badly both inside and outside their homes.

Indian society consists of people belonging to almost all kinds of religious beliefs. In every religion women are given a special place and every religion teaches us to treat women with respect and dignity. But somehow the society has so developed that various types of ill practices, both physical and mental, against women have become a norm since ages. For instance, sati pratha, practice of dowry, pardapratha, female infanticide, wife burning, sexual violence, sexual harassment at work place, domestic violence and other varied kinds of discriminatory practices; all such acts consist of physical as well as mental element. The reasons for such behaviour against women are many but the most important one is the male superiority complex and patriarchal system of society. Though to eliminate these ill practices and discrimination against women various constitutional and legal rights are there but in reality there are a lot to be done. Several self-help groups and NGOs are working in this direction; also women themselves are breaking the societal barriers and achieving great heights in all dimensions: political, social and economic. But society as a whole has still not accepted women as being equal to men and crimes or abuses against women are still on the rise. For that to change, the society's age-old deep-rooted mind set needs to be changed through social conditioning and sensitization programmes.

Therefore, the concept of women empowerment not only focuses on giving women strength and skills to rise above from their miserable situation but at the same time it also stresses on the need to educate men regarding women issues and inculcating a sense of respect and duty towards women as equals. In the present write-up we will try to describe and understand the concept of Women Empowerment in India in all its dimensions.

Women Empowerment in India :-

From ancient to modern period, women's condition-socially, politically and economically- has not remained same and it kept changing with times. In ancient India, women were having equal status with men; in early Vedic period they were very educated and there are references of women sages such as Maitrayi in our ancient texts. But with the coming of famous treatise of Manu i.e., Manusmriti, the status of women was relegated to a subordinate position to men. All kinds of discriminatory practices started to take form such as child marriage, devadashpratha, nagarvadh system, sati pratha etc. Women's socio-political rights were curtailed and they were made fully dependent upon the male members of family. Their right to education, right to work and right to decide for themselves were taken away.

During medieval period the condition of women got worsened with the advent of Muslim rulers in India; as also during the British period. But the British rule also brought western ideas into the country. A few enlightened Indians such as Raja Ram Mohan Roy influenced by the modern concept of freedom, liberty, equality and justice started to question the prevailing discriminatory practices against women. Through his unrelenting efforts, the British were forced to abolish the ill-practice of Sati. Similarly several other social reformers such as Ishwar Chandra Vidyasagar, Swami Vivekananda, Acharya Vinoba Bhave etc. worked for the upliftment of women in India. For instance, the Widow Remarriage Act of 1856 was the result of Ishwar Chandra Vidyasagar's movement

for improving the conditions of widows.

Indian National Congress supported the first women's delegation which met the Secretary of State to demand women's political rights in 1917. The Child Marriage Restraint Act in 1929 was passed due to the efforts of Mahhommad Ali Jinnah, Mahatma Gandhi called upon the young men to marry the child widows and urged people to boycott child marriages.

During freedom movement, almost all the leaders of the struggle were of the view that women should be given equal status in the free India and all types of discriminatory practices must stop. And for that to happen, it was thought fit to include such provisions in the Constitution of India which would help eliminate age-old exploitative customs and traditions and also such provisions which would help in empowering women socially, economically and politically.

Constitution of India and Women Empowerment :-

India's Constitution makers and our founding fathers were very determined to provide equal rights to both women and men. The Constitution of India is one of the finest equality documents in the world. It provides provisions to secure equality in general and gender equality in particular. Various articles in the Constitution safeguard women's rights by putting them at par with men socially, politically and economically. The Preamble, the Fundamental Rights, DPSPs and other constitutional provisions provide several general and special safeguards to secure women's human rights.

Preamble :

The Preamble to the Constitution of India assures justice, social, economic and political; equality of status and opportunity and dignity to the individual. Thus, it treats both men and women equal.

Fundamental Rights :

The policy of women empowerment is well entrenched in the Fundamental Rights enshrined in our Constitution. For instance :

- Article 14 ensures to women the right to equality.
- Article 15(1) specifically prohibits discrimination on the basis of sex.
- Article 15(3) empowers the State to take affirmative actions in favour of women.
- Article 16 provides for equality of opportunity for all citizens in matters relating to employment or appointment to any office.

These rights being fundamental rights are justiciable in court and the Government is obliged to follow the same.

Directive Principles of State Policy :

Directive principles of State Policy also contains important provisions regarding women empowerment and it is the duty of the government to apply these principles while making laws or formulating any policy. Though these are not justiciable in the Court but these are essential for governance nonetheless. Some of them are :

- Article 39 (a) provides that the State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood.

- Article 39 (d) mandates equal pay for equal work for both men and women.
- Article 42 provides that the State to make provision for securing just and humane conditions of work and for maternity relief.

Fundamental Duties :

Fundamental duties are enshrined in Part IV-A of the Constitution and are positive duties for the people of India to follow. It also contains a duty related to women's rights: Article 51 (A) (e) expects from the citizen of the country to promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women.

Other Constitutional Provisions :

Through 73rd and 74th Constitutional Amendment of 1993, a very important political right has been given to women which is a landmark in the direction of women empowerment in India. With this amendment women were given 33.33 percent reservation in seats at different levels of elections in local governance i.e. at Panchayat, Block and Municipality elections. Thus, it can be seen that these Constitutional provisions are very empowering for women and the State is duty bound to apply these principles in taking policy decisions as well as in enacting laws. Specific Laws for Women Empowerment in India.

Here is the list of some specific laws which were enacted by the Parliament in order to fulfil Constitutional obligation of women empowerment :

- The Equal Remuneration Act, 1976.
- The Dowry Prohibition Act, 1961.
- The Immoral Traffic (Prevention) Act, 1956.
- The Maternity Benefit Act, 1961.
- The Medical termination of Pregnancy Act, 1971.
- The Commission of Sati (Prevention) Act, 1987.
- The Prohibition of Child Marriage Act, 2006.
- The Pre-Conception & Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994.
- The Sexual Harassment of Women at Work Place (Prevention, Protection and) Act, 2013.

Above mentioned and several other laws are there which not only provide specific legal rights to women but also gives them a sense of security and empowerment.

International Commitments of India to Women Empowerment :-

India is a part to various international conventions and treaties which are committed to secure equal rights of women. One of the most important among them is the Convention on Elimination of All Forms of Discrimination against Women (CEDAW), ratified by India in 1993. Other important international instruments for women empowerment are: The Mexico Plan of Action (1975), the Nairobi Forward Looking Strategies (1985), the Beijing Declaration as well as the Platform for Action (1995) and the Outcome Document adopted by the UNGA Session on Gender Equality and Development & Peace for the 21st century, titled "Further actions and initiatives

to implement the Beijing Declaration and the Platform for Action”. All these have been whole-heartedly endorsed by India for appropriate follow up.

These various national and International commitments, laws and policies notwithstanding women’s situation on the ground have still not improved satisfactorily. Varied problems related to women are still subsisting; female infanticide is growing, dowry is still prevalent, domestic violence against women is practised; sexual harassment at workplace and other heinous sex crimes against women are on the rise.

Though, economic and social condition of women has improved in a significant way but the change is especially visible only in metro cities or in urban areas; the situation is not much improved in semi-urban areas and villages. This disparity is due to lack of education and job opportunities and negative mind set of the society which does not approve girls’ education even in 21st century.

According to the United Nations, Europe has experienced significant progress over the last decades; however, “despite these gains, many challenges remain: discriminatory laws and social norms remain pervasive, women continue to be underrepresented at all levels of political leadership, and 1 in 5 women and girls between the ages of 15 and 49 report experiencing physical or sexual violence by an intimate partner within a 12-month period”. To develop a successful professional career usually demands more efforts and sacrifices from women than from men, due to persistent social inequalities and contrasting gender-based labor valuation and workload (Moor, 2015).

Government Policies and Schemes for Women Empowerment :-

Whatever improvement and empowerment women have received is especially due to their own efforts and struggle, though governmental schemes are also there to help them in their endeavour. In the year 2001, the Government of India launched a National Policy for Empowerment of Women. The specific objectives of the policy are as follows :

- Creation of an environment through positive economic and social policies for full development of women to enable them to realize their full potential.
- Creation of an environment for enjoyments of all human rights and fundamental freedom by women on equal basis with men in all political, economic, social, cultural and civil spheres.
- Providing equal access to participation and decision making of women in social political and economic life of the nation.
- Providing equal access to women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public life etc.
- Strengthening legal systems aimed at elimination of all forms of discrimination against women.
- Changing societal attitudes and community practices by active participation and involvement of both men and women.
- Mainstreaming a gender perspective in the development process.
- Elimination of discrimination and all forms of violence against women and the girl child.
- Building and strengthening partnerships with civil society, particularly women’s organizations.

The Ministry of Women and Child Development is the nodal agency for all matters pertaining to welfare, development and empowerment of women. It has evolved schemes and programmes for their benefit. These schemes are spread across a very wide spectrum such as women's need for shelter, security, safety, legal aid, justice, information, maternal health, food, nutrition etc., as well as their need for economic sustenance through skill development, education and access to credit and marketing. Various schemes of the Ministry are like Swashakti, Swayamsidha, STEP and Swawlamban enable economic empowerment. Working Women Hostels and Creches provide support services. Swadhar and Short Stay Homes provide protection and rehabilitation to women in difficult circumstances. The Ministry also supports autonomous bodies like National Commission, Central Social Welfare Board and Rashtriya Mahila Kosh which work for the welfare and development of women. Economic sustenance of women through skill development, education and access to credit and marketing is also one of the areas where the Ministry has special focus.

Conclusion and Suggestions :

It can be said that women in India, through their own unrelenting efforts and with the help of Constitutional and other legal provisions and also with the aid of Government's various welfare schemes are trying to find their own place under the sun. It is a heartening sign that their participation in employment- government as well as private, in socio-political activities of the nation and also their presence at the highest decision making bodies is improving day by day.

However, we are still far behind in achieving the equality and justice which the Preamble of our Constitution talks about. The real problem lies in the patriarchal and male-dominated system of our society which considers women as subordinate to men and creates different types of methods to subjugate them.

The need of us is to educate and sensitize male members of the society regarding women issues and try to inculcate a feeling of togetherness and equality among them so that they would stop their discriminatory practices towards the fairer sex. For this to happen apart from Government, the efforts are needed from various NGOs and from enlightened citizens of the country. And first of all efforts should begin from our homes where we must empower female members of our family by providing them equal opportunities of education, health, nutrition and decision making without any discrimination. Because India can become a powerful nation only if it truly empowers its women.

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INTERNATIONAL HUMAN RIGHT CONVENTIONS FOR PROTECTION OF WOMEN'S RIGHT : AN ANALYSIS

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ABSTRACT :-

Human rights are those rights which have interest in human persons by virtue of his birth as a human being. They are universal therefore called Universal Humana Rights. Human Rights of Women constitute the integral and indivisible part of Universal Human Rights. The United Nations has a long history of addressing women's human rights and much progress has been made in securing women's right across the world in recent decades.

Attainment of equality of status and protection of Human Rights of women are implicit in all the international instruments dealing with Human Rights. All the international instruments cast obligations on the member states to implement Human Rights. These instruments are -

- (i) ICCPR 1966
- (ii) Convention On The Elimination Of All Forms Of Discrimination Against Women 1979 (CEDAW)
- (iii) Vienna Convention 1993 etc.

National Women Human Rights Commission playing their role to protect Human Rights of Human even there are serious flaws in enforcing the rights of women due to the lethargy of various enforcement agencies. This paper highlights the features of International instruments protecting the women's right and to find out the status of implementation of CEDAW articles in India.

Keywords : Human Rights, Women, Justice, Advancement, Implementation, Universal, Awareness.

INTRODUCTION :-

Human Rights are based on mankind's increasing demand for a civilized life in which the inherent dignity of each human being is well respected and protected. These rights are essential for the spiritual, physical and moral development of the individual. They are associated with the dignity of the individual and it is the enjoyment of these rights that makes a human being worthy of human dignity. Human rights are for the benefit of humans. It is a well-known reality that people from all over the world are bound to come from various backgrounds, have different demands, and have diverse histories. The rights of women and girls are human rights. They include a wide range of topics, including health, education, political involvement, economic well-being, and the absence of violence, to name a few. Women and girls have the right to full and equal enjoyment of all human rights, as well as to be free of all forms of discrimination – this is essential for achieving human rights, peace and security, and long-term development. Women's and girls' rights must be protected through national law and policy, with international human

rights norms as a foundation. Equally crucial is how laws are carried out, such as easy access to courts and the expectation of a fair trial. Women and girls must be aware of their rights and empowered to assert them. Gender equality must be addressed and modified by changing social attitudes and preconceptions. The smallest element and example of human beings living together is society. The researcher believes that globally stated rights must now be brought to the attention of every individual, whether literate or uneducated.

HUMAN RIGHTS: MEANING AND DEFINITIONS :-

Authors have defined human rights differently. Human Rights is a generic term and it embraces Civil rights, civil liberties, social, economic and cultural rights. 'These are the rights which no one can be deprived without a great affront to justice'

INTERNATIONAL INSTRUMENTS DEALING WITH THE HUMAN RIGHTS OF WOMEN :-

Human rights are derived from a person's intrinsic dignity and worth, and they are recognised by all civilised countries' legal systems. The tragic experience of WWII spurred governments to develop an international human rights standard. They had no trouble reaching consensus on the general principles that would apply to everyone. In all international instruments dealing with human rights, the principle of equality and non-discrimination on the basis of gender is included. Women, who make up half of humankind, are frequently abused and their human rights are violated. The International Instruments impose a duty on Member States to include provisions for the repeal of sexist laws and practices and the equalization of women's and men's rights.

All distinctions, restrictions and exclusions impairing or nullifying the enjoyment and exercise by women of human rights and fundamental freedoms are required to be prohibited by the Convention on the Elimination of All Forms of Discrimination Against Women, 1979.

One of the main purposes of the United Nation was the achievement of international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. From its very inception it was concerned with the enjoyment of equal rights by men and woman. "All United Nations Member States undertook to take combined and independent action in cooperation with the UN to promote universal respect for and observance of human rights and basic freedoms without regard to gender."

It is pertinent to look at the various international documents accepting and declaring the value of human beings especially of women for detailed examination

Universal Declaration of Human Rights. 1948 :-

The UN Declaration is said to be a declaration of faith in basic human rights, human dignity and value, and men and women's equal rights. This has aided social growth and improved living standards. One of the UN's goals is to promote social progress as well as universal respect for and observance of Human Rights and fundamental freedoms. The declaration's rationale is further elaborated in the preamble.

The preamble of the Universal Declaration of Human Rights, 1948 recognizes the inherent dignity of the individual and the equal and inalienable rights of the members of the human family. The basic principle enunciated in The Declaration, which proclaims that "all human beings are born free and equal in dignity and rights" and that everyone is entitled to all the rights and freedoms set forth in the declaration without distinction of any kind including

distinction based on sex.'). All are equal before law and are entitled to equal protection of the law without any discrimination. A person shall not be subjected to arbitrary interference with his privacy. Family, home, correspondence or attack upon his honor or reputation. Everyone has the right to protection of law against such interference or attacks. A guarantee against factors affecting the human dignity, all forms of violence such as domestic violence, sexual violence, rape, and violence inside and outside the family that affect the honor and reputation are incorporated in the Declaration. The provision is intended for the protection of women because women are often subjected to sex based discrimination and often subjected to violence inside and outside the family.

The right to marry and found a family without any limitation due to race, nationality or religion is another accepted norm protecting the right of women. According to the Universal Declaration of Human Rights, attainment of majority and free consent is regarded as a condition for the marriage."

The right to work and equal pay for equal work without discrimination as to sex is recognized as an inalienable right of all human beings. The right to equal pay for equal work without discrimination as to sex implies the right of man and woman, the same right of employment, equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation and quality of work. There shall not be any restriction on the basis of sex, especially in marriage or maternity.

International Covenant on Civil and Political Rights, 1966 :-

International Covenant on Civil and Political Rights consists of 53 articles and is divided into six parts. Part I, II & III dealing with various freedoms and the other parts dealing with procedure for the effective realization of these rights.

Part I deals specifically with the right of the people to self-determination. Part II casts obligations on the State Parties are to ensure equal rights of men and women to the enjoyment of all civil and political rights. Part III deals with specific rights of the individuals and the obligations of the State Parties. The preamble as well as other articles of the Covenant recognizes the natural and inalienable rights of women. It also envisages the protection and promotion of equal rights of man and woman. Universal peace can be maintained only when the rights of others are recognized by the individual as well as by the State.

The Covenant requires the State Parties to take steps to ensure that the rights guaranteed under the Covenant are available to all persons without distinction as to sex. It prohibited discrimination against any person on the ground of sex among other grounds such as race, caste, religion or place of birth. These rights are available to men and women equally. All persons are equal before the law and are entitled to equal protection of law without discrimination on any ground such as race, colour, sex, language, political or other opinion, national or social origin, property, birth or other status.

The right of woman to work, equal wages, humane conditions of work etc; are guaranteed under the Covenant. It is specifically provided in the Covenant that in the case of promotion to a higher level only the seniority and competence shall be taken into consideration. Discrimination shall not be made on the basis of sex in the matter of promotion.

Convention on the Elimination of All Forms of Discrimination Against Woman, 1979 :-

The United Nations Charter, the Universal Declaration of Human Rights, 1948, the International Covenant on Civil and Political Rights, 1966 various other Conventions, resolutions and recommendations concluded under the auspicious of the United Nations, and specialized agencies, contain provisions promoting equality between men and women. Despite these instruments extensive discrimination against women continues to exist.

The General Assembly adopted this Convention in 1979, and this is the basic and comprehensive instrument dealing with human rights of woman. The main issue concerning woman is the deprivation and discrimination to which they are subjected and the object of the Convention is to prohibit discrimination against women and to ensure equality.

The State Parties to the Convention were convinced that establishment of a new economic order based on equity and justice was needed to promote equality between man and woman. The full development of the country and the maintenance of peace and welfare of the world require maximum participation of woman in equal terms with man. The Convention requires the State Parties to bear in mind that the role played by women as mothers and in the upbringing of children shall not be the basis for discrimination and a change in the traditional role of men and women in the family and society is needed to achieve full equality between men and woman.

All the Member States of the Convention are under an obligation to take steps including legislation to ensure the full development and advancement of women and equality between men and women in all fields. The State shall modify all the existing legislation, or abolish existing laws, regulations, custom or practices or repeal all final provisions, which constitute discrimination against women. The Convention mainly concerns with elimination of all forms of discrimination in the area of development, political and public life, nationality, marriage, family benefits, education, employment, health etc.

For the purpose of considering the progress made in the implementation of the present Convention, there shall be a committee on the Elimination of Discrimination Against Women. The State Parties shall make a report on the legislative, judicial, administrative, or other measures taken by them to the Secretary General of the United Nations for consideration by the Committee. The Committee shall through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from State Parties. The Secretary General of the United Nations shall transmit the reports of the committee to the commission on the status of women for its information. The Convention shall not affect any provisions that are more conducive to the achievement of equality between men and women contained in the legislation of a State Party or any other international convention, treaty or agreement in force in that State.

Declaration on the Elimination of Violence Against Women, 1993 :-

The Declaration on the Elimination of Violence Against Women adopted by the United Nations General Assembly in 1993 is the first international human rights instrument exclusively and explicitly address the issue of violence against women. "Violence against women" for the purpose of the Declaration means any act of gender-based violence that results, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Violence against women is based in historically unequal power relations between men and women, according to the Declaration. It goes on to say that violence against women is "one of the major social mechanisms by which women are driven into a subordinate position in comparison to men."

As a result, UN member states are asked to pass legislation against violence, try to prevent it, and alleviate the position of women who have been victimised. The fundamental concern of the United Nations was violence against women, which has always been an impediment to attaining equality, progress, and peace.

States must adopt a variety of steps to end violence against women. These include "doing everything possible to prevent, investigate, and punish acts of violence against women, whether perpetrated by the state or by private individuals, in conformity with national legislation. States should denounce violence against women and should not invoke any custom, tradition, or religious concern to escape their responsibility" to end such violence, it adds.

States should also adopt all appropriate measures to modify men's and women's social and cultural patterns of conduct, and to eliminate prejudices, customary practices, and all other practices based on the inferiority or superiority of either sexes, and on stereotyped roles for men and women," according to the UN. The United Nations system's institutions and specialized agencies were obligated by the Declaration to contribute to the acknowledgment and realization of the Declaration's rights and principles in their respective fields of competence.

IMPLEMENTATION OF CEDAW IN INDIA :-

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was ratified by India in 1994. Because the international agreement was not legally implemented and enforced throughout Indian culture, India's ratification of CEDAW did not result in a reduction in violence against women.

To begin with, the government said in Article 5(a) of the Convention that "it shall abide by and ensure these provisions in accordance with its policy of non-interference in the personal affairs of any society without its initiatives and consents." Second, Article 16 (2) stated that, while the Government of the Republic of India fully supports the notion of compulsory marriage registration in principle, it is not feasible in a big country like India with such a diverse range of customs, religions, and literacy levels. As a result, the government is involved in a variety of ways. Even while several provisions for the protection of women and girls exist, they have not been effectively applied. The predilection for sons is still strong and persists in the workplace, as per traditions and culture of India.

Gaps In The Implementation Of CEDAW In India :-

The Indian Constitution and laws ensure equality, including affirmative action in favour of women, and specifically ban discrimination against women, especially in relation to the state. In actuality, women's access to and exercise of equal rights in all sectors of life, including social, economic, and political, remains constrained.

- India has low representation of women in the upper echelons of lawmaking affirmative actions. [CEDAW A.3 and A.7(b)] To improve the representation of women in the upper echelons of lawmaking, affirmative actions are required including legislature to reserve 33 per cent seats for women in Lok Sabha, and in all State Legislative Assemblies.
- Fundamental Rights as enshrined in the Constitution are only enforceable against the State. Thus, only the State has an obligation not to discriminate on the basis of sex. However, there is a vacuum in law with

regards to the prohibition of discrimination against women by any private person, organization or enterprise. [CEDAW A.2 (e)]

- Several prevailing customs and practices that perpetuate discrimination against women are out of the purview of the legislative framework. [CEDAW A.2 (f)]
- Despite legislations ensuring equal opportunities for women, the unavailability of adequate and quality crèches for children of working women discourages them from joining workplaces. [CEDAW A.3]
- Despite reservations for women as Independent Directors under the Companies Act, 2013, there are only a few women in leadership positions, especially at the board level and many positions are lying vacant. [CEDAW A.3]

CONCLUSION :-

Human Rights are positive rights, which every human being is entitled to enjoy and to have protected by State authorities. The principles of equality before law and prohibition of discrimination constitutes the essence of rules of law and human freedom. Attainment of equality of status of women was one of the specific objectives, which is implicit in various international instruments. All the international and regional instruments on human rights prohibit discrimination on the ground of sex and cast an obligation on the Member States to incorporate provisions for protection of women and elimination of discrimination against women in the domestic law so as to ensure equality. Creating awareness about the human rights of women under the international documents and national legislation is essential to enable women to fight against the violation of rights. In appropriate cases the government is also under an obligation to provide legal assistance to women. The world community may have focused its attention in all fields of human activity in order to avoid the age-old miseries of the women folk, who made up half of humanity, according to the bird's eye perspective of international texts. These are the conclusion of the worldwide fulminating actions of women's organizations. It's amazing to see how the International Union for the Protection of Women's Rights has spread to local governments.

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5. Ibid. Article 55 and 56
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7. id. at Article 2.
8. id, at Article 7
9. id, at Article 12
10. id. at Article 16
11. id. at Article 16 (2)
12. id. at Article 23 (2)

13. International Covenant on Civil and Political Rights, 1966, Article 2 para. I: Each State Party to the present
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15. Id. at Article 3 The State Parties to the present Covenant undertake to ensure the equal rights of men and women to the enjoyment of all civil and political rights set forth in the present covenant.
16. Id. at Article 26 All persons are equal before law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status
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IMPACT OF TECHNOLOGY ON WOMEN PROTECTION IN INDIAN LEGAL SYSTEM

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Abstract :-

As our lives become increasingly intertwined with the internet, mobile technology, and social media, there has been an increase in the number of reports of crimes committed through the internet. As a result, cyber violence against women of any age has emerged, which is a global problem since it threatens the security, dignity, and privacy of all human beings. Cyberspace has a virtual reality in which criminals commit crimes while hiding in the internet's same virtual area. There is still a dearth of understanding about cybercrime in India, which makes it impossible to stop the perpetration of these crimes.

The research examines the factors for the rise in cyber violence against women in the context of cyber socialisation. These crimes against women include online stalking, cyber pornography, distributing photos or video recordings of females engaging in intimate behaviours (e.g., morphing, sending obscene or defamatory comments or emails, blackmailing, or threatening) and trolling or bullying. The research explains the elements of each category of crime, examines the relevant legislation, and identifies important instances and court rulings. An investigation into the chasms between cybercrimes against women and the legislation enacted to protect them is the focus of this study. This study will also include recommendations for how to effectively and holistically mark cyber-crimes against women and girls.

Keywords : Crime, Digital Revolution, Judiciary, Crime against Women.

Introduction :-

Social and cultural institutions can be reinforced and disseminated through the use of technology, as well as gender roles. But there is a negative side to it, and it has a significant impact on our lives. Today, cybercrime is the newest and most difficult type of crime to combat. It's more difficult in India because of a lack of understanding of cybercrime laws. Digital revolution has led to a rise in gender-based violence in the virtual worlds, including cyber harassment, cyber stalking, sexually explicit content, and defamation. Email spoofing and morphing have also increased. Women and children have become easy prey in the age of the digital revolution, thanks to the proliferation of online predators.

As society has evolved, the role of the adjudicatory authority has grown in importance. The crooks of today are taking advantage of new technology to carry out their crimes. A proper attitude to technical offences must be taken in order to avoid crime. The norms of jurisdiction are critical to the efficient functioning of the judiciary. Legislation's drafting of rules and regulations, as well as the clear definition of jurisdiction, can be used to identify an effective legal system. To hear a matter and reach a decision, a court must have jurisdiction, venue, and proper service of process. As a result, the judiciary has played a critical role in protecting women's rights.

“IMPORTANT REASONS FOR THE INCREASE IN CYBER-Violence AGAINST WOMEN”

Cyber violence is a huge menace to society, and the majority of victims are females of all ages, regardless of their age or gender. There were 52 million users in 2021, according to research, but that figure rose to 71 million. Cyber cafés were used by 37 percent of these people in 2009, with 8 percent of these users being working women, and the other 7 percent being non-working women.

Internet users' personal and sensitive information, which is then used for criminal reasons, is a common practice among cyber café owners. In spite of the fact that technology is a beneficial factor in the prosperity of the nation, it is also resulting in an increase in crimes against the vulnerable sections of the society.

Because of the following factors, cyber violence against women against women is on the rise :

(1) Victims' information is easily accessible :

For people to communicate with each other no matter how far apart they are, social networking websites have been created. Users must provide their contact information, such as their name, phone number, and address, in order for their profile to be seen by others. As a first-time user of these websites, both men and women give out their personal information without even comprehending the danger of doing so. The culprit can use this information against women if they get their hands on it.

(2) User carelessness and ignorance :-

In order to protect oneself from being harassed in a variety of ways, social networking websites offer a number of security features and the ability to lock private content like images, albums, and messages. Users can also permanently conceal their profile from the harasser, making it impossible for the harasser to find them on the platform. Amongst other options, a user has the ability to select whether they want to exclusively share information with other members, the general public, or only with themselves. Despite the safety precautions that are taken by social networking sites, women are nevertheless susceptible to numerous forms of online violence. These forms of violence include "stalking", "morphing", "hacking", "cheating", "slander" and "sexual abuse". Some of the women in the group got into verbal altercations, and as a result, they began to worry that unauthorized individuals had gained access to their online personas.

Despite the fact that many women have been victims of cybercrime in some form or another, only a tiny minority of women are aware of their legal entitlement to privacy protection on social networking sites. This is despite the fact that many women have been victims of cybercrime.

(3) Using false profiles to mask one's true identity :-

The right to remain anonymous on social media has grown in popularity thanks to the constitutional guarantee of freedom of speech and expression. Names, addresses, and other personal information can easily be updated on

a regular basis thanks to these websites. As a result of social networking sites allowing their customers to change their physical characteristics and geographic location on a regular basis, criminals have been able to use these tools to commit crimes and conceal their tracks under a variety of fictitious identities. Fake account holders have increased the danger and risk that women face on social media as a result of their actions.

(4) Social networking websites' sluggish response :-

The absence of reaction from social networking websites makes cyber socializing unsafe. Users can report abuse of any of these websites' services, such as harassment, bullying or threatening behavior. Defamatory or harassing posts can be flagged by social networking sites, however this isn't always true. These websites' refusal to take responsibility for any harassment that one user may cause to another in their privacy policies shows a lack of integrity on the part of these organizations. Many of these platforms have policies in place to prevent users from abusing other members or inciting hatred by posting pornographic material, although this is not always adhered to by those who use them.

Inadequacy of governing documents, such as statutes and regulations :-

Laws or conventions have not been established to identify the most common sorts of abuse on social networking sites. These social networking sites are also governed by US regulations because they are registered in the "United States". "Section 230 of the Communications Decency Act", 1996, protects these from being sued as defamatory media in the "United States". The Information Technology Act of 2000, as revised in 2008, and the Indian Penal Code, both of which were created in India, recognize some of these offences, although they fall short of recognizing all of them.

They do not recognize the crimes of bullying and harassment as well as the cloning of a person's profile. Consequently, the rise in female victimization and cyber violence is mostly due to a lack of adequate legislation to govern social networking sites, an inability to recognize crimes against women and a lack of jurisdiction over sanctions for such crimes.

"LAWS", "STATUTES AND LEGAL PROVISIONS IN INDIA AND THE GAPS"

Women are the only ones who are subjected to gender-specific cyber assault. The "Indian Penal Code" (IPC) and the "Special and Local Laws" control and punish certain offences (SLLs). Both the "Indecent Representation of Women Prohibition Act", 1986, and the "Information Technology Act", 2000, are known as SLLs in the legal community. When it comes to these two acts, only the IT Act has a few clauses that deal specifically with issues of gender and set penalties for violations. "The Indecent Representation of Women Prohibition Act", enacted in 1986, was designed to fight obscene depictions of women in commercials, publications, writings, paintings, and figures.

For India, this is a positive step forward in that a legislation addressing the victimization of women by indecent depictions may be enacted, but Halder in 2013 argued that the concept of indecent representation of women must be liberated from patriarchal concepts of social value and morality. She argues that changing people's mentality is the first step in enacting such reforms, improving the position of women, and bringing justice to those who have been victimized by cyber violence.

Women's cybercrimes aren't covered by the IT Act of 2000, although it does have provisions that take

these crimes into account and determine the penalties for their commission. Hacking and invading one's personal space are all too common in the digital age, yet they are not particularly addressed in the Information Technology Act of 2000.

Women's rights violations are the focus of Sections 66A, 66E, 67, and even 67A. Section 66A specifies the penalty for distributing inflammatory messages over the Internet or other electronic means. Emails and messages sent with the intent to annoy, inconvenience, or deceive the recipient regarding the origin of the messages are all included in this provision's scope. Violations of this section include online rape threats and abuse, the transmission of insulting comments, and the hacking of another person's email or social media account in order to malign the victim.

Violations of privacy are penalized under Section 66E, which says that publishing an image of a victim's private area without their agreement is an offence. The "buttock of the female breast" has been expressly highlighted while discussing females. The publication or transfer of indecent material in electronic form is also punishable under Section 67. Section 67A states that anyone who publishes or transmits any material containing sexually explicit activities in an electronic form will be punished by law. The IT Act's Sections 67 and 67A are where most reports of online violence are filed. Section 354 of the Indian Penal Code, which oversees cybercrime to some extent, punishes voyeurism, stalking, and sexual harassment.

Due to a lack of expertise, the police are ill-equipped to cope with electronic records. The police can easily arrest a person for cybercrime, but it is difficult for the police to charge them since they lack the proper resources. For the authorities, tracing the origin of a message used in cyber violence might be challenging since they lack the necessary information.

The news media typically has information about arrests for cyber violence, but it is difficult to find up-to-date information on charges filed or convictions of those accused, and it is not uncommon for those detained to be cleared by the court since no charges were filed. Until charges are filed, the criminal is convicted, or a trial is set in motion, the offence is of little relevance.

Often, husbands who are estranged from their wives perpetrate cybercrime against women by posting obscene photographs of their wives online. Demonstrating the victim's agreement can be difficult and time-consuming in certain situations. Complaints have decreased significantly due to the fact that women are unfamiliar with the norms governing their bodies and physical activity. To achieve the same result, law enforcement should limit its activities to the simple act of documenting and examining reported crimes.

According to the legislation, it appears that the state is in charge of people's sex lives. As a matter of policy, law should not be aimed at preventing people from having uncontrolled sex lives, but rather at preserving women's dignity and privacy. "Lascivious" and "prurient" interest in sexuality are strong indicators of the state's negative attitude toward sexuality. Female bodies are depicted as being capable of influencing people's moral and ethical beliefs. Arrests might take months or even years before charges are filed against a person or group of people. This drop in the number of charge sheets is most likely the result of a sloppy investigation procedure.

As required by the IT Act, a police officer not lower than the rank of an inspector must conduct the inquiry. This often leads in a subpar investigation due to a lack of manpower. Furthermore, agents investigating cybercrime

must be well trained, since without it will be difficult to find the perpetrators and provide justice to the victim in these cases. In addition, the police stations tasked with investigating cybercrimes must work closely with the CID, the DD, and the women's police units. As these departments are well-trained to investigate these situations, this collaboration has yet to be established.

NGOs like the “All India Women Conference Sakshi Navjyoti”, for example, offer assistance in these areas. In order to properly deal with electronic records, the judiciary must be made aware of their existence and the best practises for maintaining them. Even the police, in addition to the judicial system, should be better prepared to deal with electronic documents. It is difficult to get justice for the victims and convict the criminal since there is not enough proof that is consistent.

IMPORTANT CASES AND THEIR JUDGEMENT

“Yogesh Prabhu” vs. “State of Maharashtra”

M. R. Natu, then an Additional Chief Metropolitan Magistrate, decided this case in July, 2015. Cyber stalking against a woman had never before resulted in a conviction, until now. After meeting Yogesh Prabhu on a social networking site in 2009, the woman began exchanging messages with him. Yogesh asked her to marry him, but she rejected the offer. Even after that, she continued to receive messages from him, but she didn't bother responding to them because she was suspicious of his odd behavior.

On the website, she concealed her identity so that he couldn't find her. For several months, he persisted in his pursuit of her, sending her emails from an unidentified account that contained graphic images and videos. So, she called the police to report it, which was then handled by the "Cyber Crime Investigation Cell". According to Yogesh Prabhu IP (Internet Protocol) address, he worked for a company called "Vashi." There had been a thorough investigation into the matter, and the accused had been found guilty in accordance with "Sections 509" (IPC) and "Section 66E" (ITA).

“Suhas Katti” vs. “State of Tamil Nadu”

An Indian court in Chennai decided this issue in November, 2004, according to a press release. This was the first instance in which a woman was found guilty of using a computer to distribute pornographic images. She was a divorcee and began getting communications from the accused after she rejected his marriage proposal. Yahoo chat group chats were bombarded with obscene, irritating, and defamatory images from the accused man, who was using a fake female email ID.

An investigation was carried out by the Chennai Cyber Crime Cell after the victim filed a police report citing the aforesaid issues as the reason of her distress. In accordance with Sections 469 and 509 of the IPC, the accused was sentenced to two years of strict imprisonment and a fine of Rs. 500 after the investigation was completed. He was also sentenced to one year of simple imprisonment and a fine of Rs. 500. In addition, he was sentenced to two years in prison and a fine of Rs. 4000 for violating “Section 67 of the Information Technology Act”.

“Avnish Bajaj” vs. “State”

In May 2008, Delhi High Court Justice S. Muralidhar decided this matter. “The Delhi Public School MMS” incident of 2004 is a well-known incidence of voyeurism. It considered the production of a pornographic

videotape featuring two high school students having sex and the subsequent illegal distribution of the videotape over MMS. "eBay India" also offered the movie as part of an auction. A criminal investigation was launched against the "CEO of eBay India" and he was sentenced to six months in prison under the "IT Act".

“Saddam Hussain” vs. “State of Madhya Pradesh”

Courts take cybercrime very seriously, and this case illustrates that they do the accused became enraged when the victim refused to come forward. By capturing the incident on his phone's camera, the accused blackmailed the victim into completing a favour for him. "Section 507 of the IPC", "Section 354D of the IPC", and "Section 66A of the Information Technology Act" were all invoked by the victim (IT Act). Agreement between the victim and suspect led to a petition being filed in "MP High Court" to overturn the guilty conviction. The HC stated that there was no agreement to do this, and any confidential agreement between both the parties would not halt the case's procedures.

RECOMMENDATIONS AND REMEDIES & RESULTS :

One of the most pressing issues of our time is the dramatic rise in cybercrime against women around the world. The Cyber-attack culprits are difficult to locate as it's so convenient for users to alter their identity and remain unnoticed by the police. In order for "Internet Service Providers" (ISPs), who have complete records of data and history viewed or being viewed by any internet user, stricter laws and limits are needed. Cybercrime can be caught earlier if Internet service providers are required to disclose any questionable activity by any user on the internet platform.

Cyber café proprietors should be required to retain detailed records of all clients who enter and use their facilities under strict laws enacted by legislators. Keeping an eye on a user's browsing history can help you uncover any suspicious activity. Criminals frequently engage in illegal activities on systems offered by cyber cafés since their IP addresses cannot be traced, resulting in an inquiry that fails.

People should be educated on their legal options and their rights. People must be aware of the behaviour that are likely to be recorded and take precautions to protect themselves from them. The state should use many methods to raise public awareness, such as public service announcements, billboards, plays, and other forms of entertainment.

As soon as possible, victims of cybercrime should notify their local women's help cell or non-profit organisation. In order to get justice, these platforms help women learn about the laws in place and how to go about the process of investigating a crime.

Women should keep copies of any messages that seem odd so that they can be used as proof in the investigation. If the harassment keeps happening, the victim could use this information to file a formal complaint with the right people.

CONCLUSION :-

In the modern day and age, there are numerous types of cybercrimes being committed against women in India. For many people, the internet has become an essential part of their everyday lives due to its widespread availability and necessity. The internet is used by people of all ages, which offers both benefits and drawbacks. A global issue, not just in India, is that of female perpetrators of cybercrime. It is also a serious concern for governments

because of its rapid growth.

There aren't enough legislative safeguards in place to deal with cases of cybercrime. These rules do not adequately represent the reality of cybercrime victims' experiences on the ground. Providing victims with legal recourse begins with amending the two most important legislation to accurately reflect the spoken experience of women who have been threatened, harassed, or violently intimidated online.

As a result, serious legislative measures as well as widespread public awareness are required to address female victimization through cyberspace in India. In order to implement these changes, more than one institution, such as a nongovernmental organisation (NGO), a women's support cell, and the government, must work together.

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AN EVALUATION OF CHILDREN HUMAN RIGHTS AND THEIR PROTECTION IN INDIA

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INTRODUCTION :-

Childhood is universal transcend all nationalities and know no artificial boundaries. 1 Family as the fundamental group of society plays significant role in nurturing children. Family shall provide the natural environment for the growth and well being of all its members and particularly children. Children should be afforded the necessary protection and assistance for the harmonious development of their personality. 2 Child should grow in a family environment of happiness love and affection, before it may take up responsibilities in the society. 3 Childhood is entitled to special care and assistance. 4 Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. These inalienable rights are guaranteed to all human beings including children. Children are physically and mentally immature. Children are unable to make their own decisions and at the same time they are not aware of their rights. There required few safeguards including appropriate legal protection for the rights of the children before as well as after birth. Therefore some special consideration shall be given to children in view of their vulnerability. At this juncture it is very important to know the human rights guaranteed to children. It is also pertinent to know about the special protection offered to children. The paper focuses on the human rights guaranteed to children at International level and National level The paper also focuses on the special protection offered to children under International and National laws.

WHO IS A CHILD?

Before going for discussing the human rights of children, it is pertinent to know who a child is? The convention on the rights of the child defines the term child to mean every human being below the age of eighteen years unless order the law applicable to the child, majority to attained earlier. 5 Child is defined on the basis of age of a person is considered in deciding a person whether he/she is a child or adult. However at national level the term 'child' is defined in different legislations. The definition for the term 'child' is not uniform under these legislations. The Supreme Law of the country, the Constitution of India defines the child to mean a person below the age of 14 years. 6 The Plantation Labour Act 7 defines a child as a person of 12 years. As per the Factories Act 8 child is a person who is under the age of 14 years. Bombay Shops and Establishment Act 9 defines a child as a person having below 15 years at age. The central children Act 10 defines child as a person who has not attained the age of 16 years if it is a boy or 18 years if it is a girl. Under the Mines Act 11 child means a persons below the age of 15 years. Under the

Child Labour Act¹² child means a person below the age of 14 years. On the basis of the above discussion inferred that a child can be defined as a person who is of age between 12 to 18 years. Considering the recent enactment on child i.e. Child Labour Act it can be inferred that child is a person who is under the age of 14 years. However, at International level as per the convention on the human rights of the child, child means a person below the age of 18 years.

CHILDREN & HUMAN RIGHTS :-

Nature has provided some inherent rights to every human being including children. These fundamental rights are bestowed in human being from their inception. Human being is endowed with human rights from the stage of fetus. Fetuses the mother womb is the starting point where from human being is guaranteed certain basic rights. These rights are intrinsic in every one. State cannot give or nullify these inherent rights. State has to recognize and guarantee these rights through legislations.

At the International level we have Conventions on human rights such as Universal Declaration of Human rights¹³, Covenant on Civil and Political Rights.¹⁴ Covenant on Economic, Social and Cultural Rights¹⁵ guarantees certain rights every human being including children Particularly on the rights at child we have The Declaration of Rights of the child¹⁶ called as the profound charter on human rights of the children.¹⁷

UNIVERSAL DECLARATION OF HUMAN RIGHTS :-

The Declaration stresses on the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family as the foundation of freedom justice and peace in the world. It proposes for the recognition of rights of all the family members, men women and Children. With a view to promote universal respect for and observance of human rights and freedom International society adopted The Covenant on Civil and Political Rights. The convention also the gives due respect to the human rights of children. This covenant envisages for few important canons regarding the human rights of the child. As per the convention family is the natural and fundamental group/unit of society and is entitled to protection from the state.¹⁸ Covenant request member states to take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In case of dissolution, the covenant recommends states to provide for provisions for the necessary protection of children.¹⁹ Moreover the covenant provides that there shall be necessary measures of protection of children in view of its status. It provides for the registration of childbirth. As per the covenant child has every right to acquire a nationality.²⁰

In order to achieve ideal at free beings enjoying freedom from fear with economic, social and cultural rights granted. In society adopted a Covenant on Economic, Social and Cultural Rights. This covenant accords special measures of protection and assistance to children and young persons without any discrimination. It is provided under the covenant that children shall be protected from economic and social exploitation. The convention prohibits employing of children in dangerous activities. It requests the member states to prohibit child labor.²¹

Hitherto discussed declarations and covenants provide for the protection of human rights of the child on a marginal basis. Recognizing the need for a separate convention on the human rights of children there adopted, The Convention of Human Rights of Children in the year 1989.²² This convention is comprehensive on the rights of children The convention consolidates the law relating to children and human rights. In order to provide for a

complete and comprehensive charter on human rights of children the convention recalls and recognizes all the respective principles on human rights of the child enlightened on the above discussed declaration and covenants. The convention recalls the principles proclaimed in the United Nations Charter to recognize the inherent dignity, and inalienable rights of all members of the human family in order to promote freedom, justice and peace. The convention envisages that being the fundamental group of society family has to create such an environment for the growth and well being of children. The development of the child shall be guaranteed before it may take up responsibility in the society as an adult.

The Declaration states that “the child by reason of physical and mental immaturity needs special safeguards and mentioned over to the child the best it has to give. The convention envisages that child should be given special protection, so as to enable it to develop physically, mentally, morally and spiritually, socially in a healthy manner. The dignity and interest of the child shall be given priority in the enactments of the member States to the Convention. The convention rests the liability on the parents to create such an atmosphere of affection love and care in the family for the children’s to grow. The convention stresses that children shall not be separated from their parents except in exceptional circumstances. Moreover the convention recommends for the protection of children against exploitation, negligence, cruelty, trafficking.

The convention provides for the blue print²³ of human rights of the child at various intervals. The convention guarantees rights of children at different junctures. The rights of the child under the convention and various provisions with reference to the protection of the human rights of children can be classified under the following heads.²⁴

- (i) Children rights and States responsibility
- (ii) Children rights and Parents responsibility (iii) Freedoms guaranteed to children
- (iii) Children’s right against exploitation
- (iv) Special protection for certain classes of children

(i) Children Rights and States Responsibility :-

States have responsibility to guarantee rights of the child under the convention. States shall take all appropriate measures to ensure the protection of children against all forms of discrimination. States have to ensure the rights of children without any discrimination either on the basis of the status of parents or on its own status.²⁵In all actions state must ensure that children’s rights are prioritized. States administrative, legislative functioning shall keep in mind the interests of children. The convention mandates member states to ensure the protection of the child with necessary care, attention for its overall development. In order to see that children’s human rights are guaranteed the Convention obligates states to impose the responsibility of children on the parents and guardians.²⁶ At the same time member states are obligated²⁷ to take necessary administrative and legislative measures for the implementation of the rights of the child under the convention.²⁸

(ii) Children Rights and Parents Responsibility :-

Parents are made responsible to provide such an atmosphere in their family to guarantee the rights of the child. The duty of parents towards children is a right on the part of children. Therefore here the rights of the child are dependent on the performance of duties by the parents. If the child is under any guardianship the duty falls on the respective guardian to guarantee the exercise of the rights of the child.²⁹ The convention obligates the member

states to ensure that child is not separated from the parents except in exceptional circumstances as per the established norms subjected to judicial review.³⁰ In case of separation of the child from its parents, member states must take all appropriate measures to protect the child's interest. Such children separated from parents are entitled to special protection and assistance by the state.³¹ For this purpose Member states shall establish childcare homes where these deprived children can be nurtured in their best interest.

The convention lays down the principle of "common responsibility"³² of parents in the upbringing of the child. Member states shall ensure the recognition of this principle in the best interest of the child. In order to guarantee the rights of the child member states may assist parents and guardians in fulfilling their responsibilities.

The convention recognizes the system of adoption³³ of children. However it is mandatory on the part of the member states to ensure protection of the best interest on the adoption of the child. Member states shall ensure that a competent authority according to the established law authorizes adoption. As an alternate means of child's care, inter country adoptions are also recognized under the convention.

(iii) Freedoms Guaranteed to the Children³⁴ :-

The convention aims to bring out a gentle and mature person in the child.

In this regard the convention guarantees few freedoms to children. These freedoms are guaranteed for the overall development of the children. The convention requests member states to guarantee these freedoms to children.

(iv) Freedom of expression :-

Every child shall have the right to freedom of expression. Freedom of expression encompasses freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally or in writing in printed form or in the form of art or through any other media at the child's choice.³⁵

However this freedom is subjected to few reasonable restrictions such as protection of national Security, public order, moral public health and harm to reputation of others. Freedoms guaranteed to children should be exercised in the light of above restrictions.

(a) Freedom of thought, Conscience and Religion :-

The convention guarantees freedom of thought, conscience and religion to the child. Parents and guardians shall provide directions to the child in exercising his or her right in choosing religion. As no right or freedom is absolute, on the same lines this freedom is subjected to some reasonable restrictions.³⁶ There may be few limitations to the freedom prescribed by law in order to protect public safety, public order, public health and morals and as well as fundamental rights and freedoms of others.

(b) Freedom of Association and Assembly :-

Children are given freedom of association and assembly under the convention. Member states shall recognize these freedoms guaranteed to children. However in order to protect national security, public safety, public order and morals, member states may impose restrictions on the freedom under their domestic laws.³⁷

(c) Privacy Rights of Children :-

Privacy is a core principle of natural law. Nature provided right to privacy to every one. On the same lines, the convention guarantees privacy rights to children. Right to privacy also includes protection from unlawful attacks on his or her honour and reputation.³⁸ The convention states that no child should be subjected to arbitrary or

unlawful interference with his or her privacy. At the same time, the convention guarantees the child from any arbitrary or unlawful interference with its family, home or correspondence.

(d) Right to Information³⁹ :-

Convention guarantees children the right to information. Right to information includes access to material from national and International Sources, which may promote child's social, spiritual moral, physical and mental development. Member states have co-relative duty on their part in the dissemination of information through books, publications and media for the benefit of the child.⁴⁰

(e) Right to Health :-

In order to guarantee the health of the future generation, the convention requires the member states to recognize children's right to health. There shall be highest attainable standard of health and treatment facilities for illness to the child. In this regard member states shall co-operate with the United Nations. The convention says that member states must undertake proper measures to diminish infant and child mortality. For this purpose member states must take adequate measures to provide medical assistance and health care to children. States must ensure nutrition food to children. There shall be health care measures for mothers. Member States may conduct public awareness programs in support of children's health and in providing guidance regarding health care to parents.⁴¹

(f) Right to Standard of Living :-

Children's standard of living shall be ensured at every level. For this purpose member states must guarantee adequate nutrition, clothing and shelter to the child. In order to provide for the physical, mental, social development of the child member states may evolve new policies and strategies. There shall be social security and social insurance guaranteed for the overall development of the child.⁴²

(g) Right to Education :-

It requires proper environmental conditions before a bud may blossom as a flower. Suitable and perfect environment conditions are the platform for the flowers to blossom, on the same lines Children require education for their overall. Development. Education gives the child an opportunity foil the development in all respects. An educated child may have better prospects than an illiterate child. The convention says that member states shall have to recognize children right to education. To guarantee right to education states may provide for the compulsory education of children. There shall be international co-operation in promoting compulsory education of the child. State may undertake measures suckle as mid day meal schemes to encourage children attendance at schools.⁴³

(h) Children Right Against Exploitation⁴⁴ :-

Children should not be exploited. Exploitation abridges development of children. Exploitation of children shall be prevented in order to guarantee their development. The convention requires states parties to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental exploitation including the abuse of children. Children right to play and recreational activities shall be recognized and guaranteed by the state. The illicit use of children from trafficking of drugs shall be prevented. Children should not be economically exploited by forcing them to work without minimum wages and without fixing standard working hours. Children shall be protected from abduction and sale or trafficking. The convention says that children must not be subjected to torture or inhuman punishment. It is stated that no capital punishment or life

imprisonment shall be imposed for offences committed by the child. It shall be the duty of the member states to ensure protection of the child from all forms of exploitation.⁴⁵

(v) Protection of Certain Classes of Children⁴⁶ :-

Convention recognizes the rights of certain classes of children. These classes include children belonging to minority groups, children at refugees homes and children effected by armed conflicts and also children who are physically disabled.

The interests of these classes of children are guaranteed under the convention. The convention requires the member states to take appropriate measures to ensure protection to a child seeking refugee status under international or domestic law. International cooperation is sought for this purpose. In this regard member states shall co-operate with the United Nations.

There is an obligation to respect the dignity, self-reliance of the physically or mentally disabled child. The convention guarantees and requests the member states to take all the possible measures in this regard. Special care is proposed under the convention for these children. Children belonging to minority groups shall not be denied right to culture, religion or language of their group. A child coming from a minority group shall be ensured his rights to practice his culture, religion and language.

The convention imposes a duty on the member states to ensure that “no person who is under the age of 15 years shall be recruited to armed forces”. At the same time it states that person less than 15 years of age shall not be allowed to participate directly in hostilities. With respect to children affected by armed conflict the convention states that feasible measure shall be taken as per the international humanitarian law to ensure the protection and care of those children.⁴⁷

The convention guarantees these rights for the overall development of the child. The convention aims to ensure children’s physical, mental, moral, spiritual, and social. Development through the guarantee of the above discussed rights. Member states are requested to implement the provision of the convention to guarantee these human rights to children.

CHILDREN RIGHTS AND THE INDIAN CONSTITUTION :-

The Constitution of India provides to all its citizens. Justice, Social, Economic and political, liberty of thought, expression, belief, faith and worship, equality at states and opportunity. The Constitution of India has also resolved to promote among its citizens fraternity in assuring the dignity of the individual and the unity of the nation.⁴⁸ Constitution refers to all the citizens including children. Though children are not expressively mentioned in the explanation provided under the constitution, it is implied in its meaning. Concerning the meaning of the term ‘citizen’ the constitution states that “every person who has born in the. territory of India” is a citizen of India.⁴⁹ Children conforming to the above provision are deemed to be citizens of India. Constitution guarantees certain fundamental rights to its citizens.

However by considering the child’s vulnerability constitution offers special care and protection to children.⁵⁰

SPECIAL PROVISIONS IN FAVOR OF CHILDREN⁵¹ :-

Constitution provides for few special provisions in favor of children. Constitution empowers state to make special provision addressing children. State may come out with certain special policies, favoring children for their

overall development. Constitution empowers the state to do so in order to guarantee their overall development.

PROHIBITION OF EMPLOYMENT OF CHILDREN⁵¹ :-

Constitution prohibits employment of children below the age of 14 years⁵² in any hazardous job. Constitution framers intended to guarantee children's rights in their childhood. They viewed that employing a child will abridge its right to childhood. Therefore they proposed for prohibiting of employing of children.

FUNDAMENTAL RIGHTS :-

It is important to note here that constitution guarantees certain fundamental freedom to the citizen. As stated earlier children do come within the meaning of the term citizen. Hence fundamental rights to citizens guaranteed are also to children.

The freedoms guaranteed are :

- (a) Right to life and personal liberty
- (b) Freedom of speech & expression
- (c) Freedom of assembly
- (d) Freedom of association
- (e) Freedom of residence
- (f) Freedom of movement
- (g) Freedom of trade & commerce

Children can enjoy all the above freedoms. Parents shall provide directions to children in this respect. State may assist the parents in fulfilling their obligations in this regard.

DIRECTIVE PRINCIPLES :-

Constitution provides for directive principles of state policy. Directive principles are guidelines for the state in its functioning. At the same time these directive principles imposes certain obligations on the part of the state in guaranteeing the fundamental rights of citizens including children. These obligations are mentioned under the directive principles of state policy.⁵³ As far as the human rights of children are concerned following provisions under the directive principles are relevant.

Article 39 of the constitution directs the state to provide opportunities and facilities to children to develop in a healthy manner and in the conditions of freedom and dignity. It is an obligation on the part of the state to see that child and youth are protected against exploitation. There shall not be moral and material abandonment of children.⁵⁴ This directive intends to protect children rights such as right to childhood, right to health, dignity, right against exploitation. State has the responsibility to create such an atmosphere for the overall development of the child.

It is a duty on the part of the state to prevent the children from entering into job unsuited their age.⁵⁵ This directive sub- serves the purpose of article: 24 of the constitution where in employment of children is prohibited. State has to ensure the protection of children against exploitation by preventing and prohibiting child labour.

FREE AND COMPULSORY EDUCATION FOR CHILDREN :-

Constitution mandates education for children. It is a duty on the part at the state to guarantee children the right to education. State shall endeavor to provide for free and compulsory education for all children until they

complete the age of 14 years.⁵⁶ Education provides children a good opportunity for the overall development. An educated child can have better approach towards life than an uneducated child. Constitution guarantees fundamental rights to children with an intention to guarantee their overall development into adults. It imposes certain duties on the 'part at the state to accord protection to the rights of children. Directive principles of state policy provide for the guidance of the State in this regard. Moreover constitution mandates the state to provide for special provisions in favor of children. Hence Constitution of India has a comprehensive set up to guarantee human rights to children.

CONCLUSION :-

Human rights are vested in human being from his/her inception. From the moment of inception till the attainment of the age of majority he/she is a child. The human rights guaranteed to human beings invariably encompass and include children rights. However, keeping in mind the vulnerability and maturity status of children there guaranteed some special protection to children under the international law as well as under the domestic law. The convention on children rights provides a blue print of human rights of children. Though Indian Constitution was adopted decades back to the adoption of the convention on children rights, it guarantees special protection to children just as under the convention. Constitution in general guarantees certain fundamental rights to its citizens including children. At the same time it offers special protection to the rights of children. Therefore, children's human rights are very much guaranteed under the international law as well as under domestic law. Child is a bud, let it blossom into flower with nutrition of rights, with fruits of freedom and with care and attention not only from parents but also from the state under the auspices of the international society.

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ROLE OF JUDICIARY IN VICTIM ASSISTANCE TO WOMEN IN INDIA

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ABSTRACT :-

The paradox in a society which exists today is that even though women are guaranteed equality before law and non-discrimination based on sex, the atrocities, unleashed on women. Social degradation has reached such an alarming state of rehabilitation and protection of women which has become an area of great concern. However, our country just has a basic stipulation in form of Sec.357 which has been extended in the year 2008 by amendment i.e Sec.357A which stipulated states to pay compensation to victims. In this regard, reliance can be placed upon United Nations General Assembly Declaration of Basic Principles of Justice for Victims and Abuse of Power adopted in November 1985.

Recently for rehabilitation of women National Commission for Women framed scheme. Supreme Court of India accepted compensation scheme for women victim survivors of sexual Assault & other crimes, 2018. This article emphasis, on the features of compensation for women, the historical background of compensation scheme and the upliftment of victim assistance programme by Indian Judiciary. It shall also examine the functioning of National Commission for Women in recommending and strengthening the compensation to women.

Keywords :- Compensation, Protection, Rehabilitation, Victim, Women.

INTRODUCTION :-

In terms of outlook, Indian society is essentially patriarchal. In modern society, men and women are not treated equally, and their sexual relationships are rarely a simple expression of reciprocal sexual desire in one another. Sexual connections are inextricably linked with economic relationships of dependency and ownership, and they include some type of trade-off, calculation, or coercion, according to Indian legal literature on the subject of inquiry. Victimization of women, however, is one of the most difficult issues to redress because it is related to deep-seated gender ideologies (e.g., prevalent notions that women are inferior to or dependent on men) which often tolerate, and in some instances even encourage, victimization. Poverty, racism and xenophobia interact with such ideologies and exacerbate women's victimization. Women are 48.5% of our population, around 65 crores.

The atrocities faced by women in India can be gauged from the long (but certainly not exhaustive) list of social ills they face, which includes female foeticide, malnutrition, child marriage, forced illiteracy, physical abuse, domestic violence, dowry, bride burning, sex trafficking, bonded labour, religious prostitution, cursed widow-

hood, acid attack, honour killing, rape and murder.

State, being the guardian, has the duty to protect its citizen. If any offence is committed to women in state territory it is due to the failure of state. For that the state is liable to protect the victim and to make them in her previous position in the society either providing her additional protection or by rehabilitation. Such victims are entitled to have the protection of the Constitutional provisions provided in the form of social justice. But today the purpose of criminal justice system appears to be confined to the simple object of ascertaining guilt or innocence and to use the victim merely as a witness.

Victim is a person who is put to death or subjected to misfortune by another, one who suffers severely in body or property through cruel or oppressive treatment by offender and another who suffers being the dependent of victim. UN Declaration says that “victims means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws prescribing criminal abuse of power.” Providing secure places for women and girls to develop their potential and exercise their social, legal, and human rights is a top responsibility. To address this priority, it is necessary to comprehend the links between all types of female victimisation in terms of causes, consequences, and victim needs. If these challenges are not addressed in the development of policy and responses, opportunities for optimal transformation will be missed.

There is a constant change since the emergence of the victims’ movement in the western countries and now has gain its roots in India as well. It has been advocated that victims should be involved in the criminal process beyond being a witness for the prosecution. But a welfare approach to this issue has seen broad agreement in the need for victims to be treated with compassion and respect for their dignity, to be informed and to receive appropriate services and compensation for the injury or loss sustained.

VICTIM COMPENSATION SCHEME IN INDIA :-

Even under the Code of Criminal Procedure of 1898 , a victim of crime had the right to compensation, but it was only available when a substantive penalty of punishment was given, and it was restricted to the amount of money actually realised. Even if the offender is not condemned to a fine, compensation may be granted under S.357 (3), Cr. PC 1973. The courts, on the other hand, only use this provision infrequently and inconsistently.

The 152nd Report of the Law Commission had recommended the introduction of s.357-A prescribing inter alia that compensation be awarded at the time of sentencing to the victims of the crime – Rs.25,000/- in the case of bodily injury, not resulting in death; Rs.1,00,000/- in the case of death.⁹⁸ The 154th Report of the Law Commission of India noticed that its earlier recommendation had still not been given effect to by the government. It went one step further and recommended that it was necessary to incorporate “a new s.357-A in the Code to provide for a comprehensive scheme of payment of compensation for all victims fairly and adequately by the courts. Heads of compensation are for (i) for injury, ii) for any loss or damage to the property of the claimant which occurred in the course of his/ her sustaining the injury and (iii) in case of death from injury resulting in loss of support to dependants”. This recommendation also has not been acted upon by the government.

India had a basic stipulation in the form of Section 357 Cr.P.C. and Section 5 of the Probation and

Offender Act, which could only be implemented after the trial was over and only if the case resulted in a conviction. They stipulated that only the criminal be responsible for compensating the victims. Even the Law Commission of India, in its 41st report, noted that trial courts are not using the legislative power under Section 357 Cr.P.C. to recompense crime victims. Finally, it was in the year 2008 that Section 357 (A) Cr.P.C. was introduced with a stipulation of State-paid compensation to victims.

However, record shows that despite its inclusion, no compensation scheme was enacted by any state up to the year 2011. Rather some of the states like Madhya Pradesh framed their Victim Compensation Scheme only in the year 2015, while Gujarat framed its first Scheme only after gap of 8 long years in the year 2016. Delhi notified its Scheme only in 2012. These schemes provides compensation for various injuries or losses. However, concerns regarding disparities in the rates of compensation in these schemes have been raised time and again. To do away with such disparity, the CVCF Guidelines- 2016 has come into force. The increasing number of offences to women drives judiciary and State to frame compensation scheme form women victim survivors of sexual assault and other crimes.

COMPENSATION SCHEME FOR WOMEN VICTIMS SURVIVORS OF SEXUAL ASSAULT & OTHER CRIMES, 2018 :-

The Supreme Court of India in *Nipun Saxena v. Union of India*, had opined that “it would be appropriate if NALSA sets up a Committee of about 4 or 5 persons who can prepare Model Rules for Victim Compensation for sexual offences and acid attacks taking into account the submissions made by the learned Amicus. The learned Amicus, as well as the learned Solicitor General, have offered to assist the Committee as and when required. The Chairperson or the nominee of the Chairperson of the National Commission for Women should be associated with the Committee.”

Further, the committee had finalized the “Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes” and submitted the same before the Supreme Court on 24-04-2018. Submissions were made before the Hon’ble Bench and other stakeholders were also heard on 10.05.2018. Additional suggestions received during the hearing were also incorporated and final Scheme was filed before the Hon’ble Supreme Court of India on 11.05.2018. On this day, after hearing NALSA and Ld. Amicus Curiae, Hon’ble Bench was pleased to accept this Scheme and directed all the State Governments/UT Administrations to implement the same in their respective States/UTs. Hon’ble Supreme Court of India further observed that while nothing should be taken away from this Scheme, but it does not preclude the State Governments/UT Administrations from adding to the Scheme.

The goal of this strategy is to create an integrated and unified system for compensating women who have been victims of sexual assault or acid assaults. Women who are victims of crimes such as rape, gang rape, acid attack, sexual assault, miscarriage as a result of assault, and others are reimbursed for the loss or injury they experience, as well as any rehabilitation needs they may have as a result of the crime, under this scheme. In addition to women, the system also compensates girl children and, in some situations, the victim's dependents. In addition, women who are foreign nationals or refugees are eligible for compensation under this programme.

Women Victims Compensation Fund :-

There shall be a Fund, namely, the Women Victims Compensation Fund from which the amount of

compensation, as decided by the State Legal Services Authority or District Legal Services Authority, shall be paid to the women victim or her dependent(s) who have suffered loss or injury as a result of an offence and who require rehabilitation.

This Scheme is unusual in that it has provided national uniformity to the process and the amount of compensation payable to female victims. The Supreme Court has mandated that no victim be paid less than what is indicated in this NALSA's National Model Scheme, with the States having the option to increase compensation above what is provided by this Scheme.

The introduction of a special Women Victim Compensation Fund within the already existing State Victim Compensation Fund is another unique aspect of this Scheme. Furthermore, this Model Victim Compensation Scheme is an update to the existing Victim Compensation Schemes developed by the State, and it is merely a part/chapter of the existing Scheme applicable solely to women. The money for this Women VC Fund will come from the Government of India's Central Victim Compensation Fund Scheme, 2015, as well as the Nirbhaya Fund and State Victim Compensation Grants.

There is little doubt that this Scheme will serve as a watershed moment in the country's victim-friendly jurisprudence, assisting victims of crime in overcoming their trauma and assisting in their rehabilitation. This Model Scheme, prepared by NALSA with the help of other members of the committee, is a significant step forward in the development of victimology in India as a whole, and victim compensation law in particular.

Under a new scheme titled 'Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018', families of victims will be now given a compensation of up to Rs 10 lakh, as opposed to Rs 2 lakh given under the Central Victim Compensation Fund (CVCF) scheme — which has now been rendered defunct for all practical purposes. For rape, the compensation has been increased to Rs 4-7 lakh from Rs 3 lakh; for loss of fetus in the course of a sexual assault or other atrocities, the compensation has been increased to Rs 2-3 lakh from Rs 50,000. Further, in contrast to the earlier provisions under the CVCF, if a woman victim of sexual attack is covered under more than one category of crimes, she would be entitled to a combined compensation under various categories.

For example, if a woman is raped and rendered physically disabled in the course of the attack, she would be entitled to a compensation of Rs 4-7 lakh under rape compensation rules and Rs 3-8 lakh under acid attack compensation rules. Last year, the Supreme Court had noted that the disbursal of the CVCF to sexual assault victims was lamentable. The CVCF scheme was only launched in 2015 by the home ministry under the Nirbhaya Scheme with an initial corpus of Rs 200 crore. This year, a paltry sum of Rs 20 crore was released by the government to states and union territories. A range of crimes and atrocities that were not compensated under the CVCF have also been covered under the new scheme. Victims of gang rape would be entitled to a compensation of Rs 5-10 lakh, while women who become pregnant due to rape would be given a compensation of up to Rs 3-4 lakh.

JUDICIAL TREND :-

The judiciary in India is the mechanism to implement the rule of law. Hence, judiciary is central pillar of the democratic states. In *Baba Abdul Khan v. A.D. A.J.M.F.C. Nagpur* the Bombay High Court observed: "Courts

of the justice are called as 'temple of justice'. Temples denotes sanctity, purity and reality. So in the temple of justice these things are observed while administering justice. As the temple is holy place, so is court where justice is made impartial and aggrieved parties are put to happiness with dignity and sanctity."

The principle of payment of compensation to the victim of crime was evolved by Hon'ble S.C. on the ground that it is duty of the welfare state to protect the fundamental rights of the citizens not only against the actions of its agencies but is also responsible for hardships on the victims on the grounds of humanitarianism and obligation of social welfare, duty to protect it's subject, equitable Justice etc. It is to be noted that compensation by the State for the action of it's official was evolved by the Hon'ble Court against the doctrine of English law: 'King can do no Wrong?' and clearly stated in the case of Smt. Nilabati Behra v. State of Orissa, that doctrine of sovereign immunity is only applicable in the case of tortuous act of government servant and not where there is violation of fundamental rights and hence in a way stated that in criminal matters (of course if there is violation of fundamental rights) this doctrine is not applicable.

In BodhisattwaGautam v. Subhra Chakraborty the Supreme Court reiterated that :-

Rape is not only a crime against the person of a woman (victim), it is a crime against the entire society. It destroys the entire psychology of a woman and pushed her into deep emotional crises. It is only by her sheer will power that she rehabilitates herself in the society which, on coming to know of the rape, looks down upon her in derision and contempt. Rape is, therefore, the most hated crime. It is a crime against basic human rights and is also violative of the victim's most cherished of the fundamental rights, namely, the right to life contained in Article 21.

The Supreme Court expressed anguish about the failure of criminal trial courts to come to the rescue of victims of crime by invoking Section 357 CrPC, when in case titled Bodhi SatvaGautam vs Shubhra Chakraborty, AIR 1996 SC 922, while applying the 1985 UN declarations of Victims of Crimes, it introduced the concept of Interim Compensation to the Rape Victims.

In the meanwhile, in a case titled Delhi Domestic Working Women Forum vs Union of India, the Full Bench of the Supreme Court ruled that victims of rape should be given interim compensation by the courts trying the cases. The Bench even issued direction to the States to set up a Criminal Injury Compensation Board.

Another turning point which our country faced was the brutal rape and murder of "Nirbhaya" in December 2012. Not only the whole nation but entire world was in shock over the brutality to which the victim was subjected. At that point of time, in around third week of December, 2012, when I was posted as an Officer on Special Duty with Delhi State Legal Services Authority (DSLISA), while "Nirbhaya" was under treatment and struggling for her life at a hospital in Singapore, DSLISA received a request from the Government of NCT of Delhi to award some interim compensation to her.

During the proceedings of the lead case titled NipunSaxena vs UOI., Indira Jaising, Senior Advocate, Supreme Court of India was assisting the bench as Amicus Curiae. In view of the fact that different Section 357A CrPC Victim Compensation Schemes were framed by 36 State Governments/Union Territories Administrations, there was a huge disparity in the process adopted and the quantum of compensation provided for. So much so that Victim Compensation Scheme of Goa provided for Rs 10 lakhs compensation to Rape Victims but Jharkhand provided for maximum of just Rs 20,000 compensation.



Need of strict implementation of law in crime against women

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A woman is subjected to crimes right from her birth or even before that in form of female foeticide. The National Crimes Record Bureau report (NCRB) states that only 1% women report it and the rest gets veiled under social threat and ignorance. In India, not only majority of women are not aware of their rights and the remedies that law has given in case of violation of these rights but also there are certain issues by which they are not getting justice. Although Indian Penal Code, 1860 recognizes various crimes against women and stricter punishments have been levied on them in the recent years yet there is lack of strict implementation of laws regarding women. Hereinafter we will see some of the important provisions in IPC and some other laws for women by which the law makers intended to safeguard the rights of women :-

Obscenity and Pornography :-

Section 292 to 294 of IPC says about obscenity. These sections says that sale, etc., of obscene books are prohibited. Entertainment is printed or visual material containing the unequivocal depiction or show of sexual organs or action, expected to animate sexual favour or appears to be lascivious from a mindful reader viewpoint. Expanded utilization of data innovation, for example, Internet and specialized gadgets has prompted expansion of illicit sites containing profane and explicit materials. Obscenity and sexual entertainment have not been explicitly characterized under any Act in India yet the Indian laws manage vulgarity and sexual entertainment and make distributing or transmission, offer of disgusting and obscene materials as culpable offenses under different provisions.

Dowry Demand :-

To diminish the developing occurrences of dowry torture and death, another Section was consolidated into Indian Penal Code, that is, Section 498A. According to this Section, whoever being husband or relative of husband of a women to cruelty shall be punished with imprisonment for a term which may extent to three years and shall also be liable to fine. Savagery in this implies any unyielding behaviour that is probably going to drive a lady to end it all or to make grave injury or risk her life, appendage or wellbeing of the lady or provocation to constrain her to fulfil any unlawful need for any property or security or on inability to satisfy the need. Afterward, Section 198A was added to the Criminal Procedure Code in 1983 which says about prosecution of offense under sec 498A of the

IPC. Section

304B was added to the Indian Penal Code, 1860, which made endowment passing a particular offense culpable with a base sentence of detainment for a very long time and a most extreme detainment for life. Further, under Section 4 of the Dowry Prohibition Act, 1961 an interest for Dowry is an offense wherein request is made at the hour of or even after marriage even where no pitilessness is included.

Acid Attack :-

In 2013 some of the Sections regarding acid attack has been added in IPC. Section 326A & B of Indian Penal code Says that voluntarily causing grievous hurt by use of acid and voluntarily throwing or attempting to throw acid is now punishable offences. Acid throwing, likewise called an acid attack is a type of rough attack characterized as the demonstration of tossing corrosive or an also destructive substance onto the body of another with the aim to distort, debilitate, torment, or execute. Culprits of these assaults throw corrosive at their bodies, generally at their faces, consuming them, and harming skin tissue, regularly uncovering and now and again dissolving the bones. The long haul outcomes of these assaults may incorporate visual impairment, just as lasting scarring of the face and body, alongside broad social, mental, and monetary troubles.

Voyeurism (Section 354C) :-

This offense appeared after Delhi 2012 rape case. It is referenced under Section 354C, IPC. The word 'voyeurism' signifies mollification got from watching the genital or sexual demonstrations of others generally secretly. This arrangement is separated in two unique parts. Initially, when an individual watches or catches picture of a lady participating in some private demonstration and furthermore, when the individual scatter or spread such picture. The primary offense is culpable with detainment of at the very least one year which may expand up to 3 years with fine. The subsequent offense is culpable with detainment of at the very least three years which may broaden up to seven years with fine.

Stalking :-

Section 354D, IPC discusses the term 'following' which for the most part implies the demonstration of following or attempting to contact notwithstanding lack of engagement of lady. This segment contains two offenses. For the main convict, punishment is detainment for a term which may reach out to 3 years with fine. The discipline for second conviction may stretch out as long as 5 years of detainment with fine.

Disrobing a woman :-

Section 354B of IPC punishes the offense of attacking or utilizing power to a lady or abetting any such demonstration with an expectation to strip or urge her to be bare, with a discipline of at least 3 years which may stretch out to 7 years with a fine. It is a sex explicit offense for example just a man can be rebuffed under this section.

Insulting or Disrupting the Modesty of a Women :-

A demonstration which is finished proposing to affront the humility of lady which may not really include any physical power is brought under the shade of this arrangement through Section 509. This section plans to discourage any sort of animosity into a lady's humility whether by any word, signal or act or by interrupting the security of such lady. Any individual who submits an offense under Section 509[3] will be rebuffed with basic detainment for a term

which may reach out to 3 years with fine.

Rape :-

Rape is the most inhuman, heinous and serious crime against women. It is the fourth most common crime in India. Section 375 of IPC deals with rape and characterizes assault as 'sex with a lady without her will and without her consent, by intimidation, distortion or misrepresentation or when she has been inebriated or duped, or is of weak psychological well-being and regardless in the event that she is under 18 years old. In simpler words, the offense of rape is the ravishment of a lady, without her assent, forcibly, misrepresentation or dread. All in all, it is the coitus (entrance of any of the smallest level of the male organ of proliferation) of any lady forcibly without wanting to. After the Delhi rape case this section has been amended and gives strict punishment to offenders. It is an unpalatable demonstration of furthest extent which disregards the privilege to protection and sacredness of a female. Aside from being a dehumanizing and debased act, it is additionally an unlawful impedance in the individual existence of a lady which is an extraordinary blow on the honour, respect, notoriety and confidence of a lady. This ridiculous wrongdoing makes physical injury the casualty as well as embarrasses, corrupts and leaves a scar on respect of the lady. Section 377 of IPC says about unnatural sex offences.

Domestic Violence :-

Domestic Violence is said to be there where one grown-up seeing someone power so as to oppress another. It is the foundation of dread in a relationship through brutality that incorporates different types of misuse. The viciousness may include maltreatment, rape and dangers. Now and again it very well may be more unpretentious, for example, causing somebody to feel useless, not letting them have any cash, or not permitting them to leave the marital home. A plea can be documented to the Magistrate under Section 12 of the Domestic Violence Act, 2005. Requests, for be passed by the Magistrate. Objection can likewise be documented under Section 498A for mercilessness by spouse or his family members alongside interest for dowry. The words "shared family unit" were considered by Supreme court in SR Batra v TarunaBatra AIR 2007 SC 1088, to mean house having a place with or taken on lease by husband or house which has a place with joint group of which husband is a part. If it is select property of relative, it can't be known as a joint family property. A wife can't guarantee and isn't qualified for remain in her dad in law's home utilizing the Domestic Violence Act-It was held by the Delhi Court in Sudha Mishra v. Surya Chandra Mishra RFA 299/2014.

Sexual Harassment of Women at workplace :-

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was passed with the aim of giving insurance to the ladies at work environment. Lewd behavior is the point at which one individual subjects someone else to an unwanted demonstration of physical closeness like snatching, brushing, contacting, squeezing, eve prodding, makes an unwanted interest or solicitation legitimately or by suggestion for sexual courtesies from someone else, shows an individual any explicitly unequivocal visual material, as pictures/kid's shows/dream boats/schedules/screensaver rendition PCs/any hostile composed material/obscene messages or some other type of unwanted lead of a sexual sort, eve prodding, jokes liable to cause cumbersomeness or shame, allusions, chauvinist remarks.

The female work hypothesis has decreased stood apart from men since two decades from 1981 to 2001. The 2013 Act is the codification of Supreme Court Vishakha Guidelines, which sees that each lady has the advantage to live with decency and it is the essential thing right of each singular working ladies. The Indian Supreme Court, Vishakha overseeing (1997) not essentially vigorously grounded the contention that every occasion of inappropriate behavior of ladies at work environment was a human rights infringement, other than it developed the framework and masterminded approval on bad behavior at work space (Prevention, Prohibition and Redressal) Act, 2013 in India. Sexual provocation at work environment is neither new nor wonderful, yet it isn't spoken to or spoken adequately about.

This resolution supplanted the Vishakha Guidelines for anticipation of lewd behaviour presented by the Supreme Court of India. Each business is needed to comprise an Internal Complaints Committee at every office or branch with at least 10 employees. The Act covers understudies in schools and universities just as patients in medical clinics, managers and neighbourhood specialists should set up complaint councils to examine all complaints.

Any victim may record a grumbling recorded as a hard copy to the Internal board/Local Committee inside 3 months from the date of occurrence or the date of the last episode in the event of a progression of episodes. The victim can lodge complaint with Police under Indian Penal Code 1860 under Sections 294,354, 354A, 509.

Now, the question arises that if we had made such laws in favour of women then why the crimes are not lowering down against women in our country, where we treat women as Goddess. The main problem behind this is that we made really good substantive laws but we hadn't changed the procedural law accordingly. A stricter law without proper implementation cannot act as a deterrent. Some other challenges highlighted were inadequate training of the police, slow judicial and investigative processes etc. Recognising that an institutional overhaul is a long drawn process. If we take the example of dowry cases, the concern is over the reach of laws and whether legislators are evaluating the effectiveness of the law.

While protective instruments are present and have been looked into by various women's bodies, implementation suffers. Moreover, there are insufficient number of courts and inadequate facilities in existing courts. The next important thing is that our courts are not women friendly spaces and suffer from lack of clean toilets, availability of lawyers, judges who are interested in hearing women's cases. Making access to justice easier for women has to be the first point of redressal by the government. By Presenting some statistics on sexual harassment from a survey conducted by Jagori, Prabhleen said that the majority of women who have experienced sexual violence are in the 15-19 age group; 2 out of 3 women said they have been harassed; 49% of men have been witness to sexual harassment, and less than 1% women approached the police. The main reason for the prevalence of harassment is male domination of public spaces, which can be made gender neutral through better service delivery, including transport, water and sanitation, etc, as well as urban planning through a gender lens.

So, these are the main and basic reasons by which in our country even we had made the amazing and women friendly laws but still women are not getting true justice. Eventually, we can say that when we are making good substantive laws to safeguard the women's right, we have to amend the procedural law as well as our judicial and

police system accordingly. This is the need of hour.

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United Nation's Role for Promotion and Protection of Women's Rights and Gender Equality on International Level

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Abstract :-

Reaching to equal status of men and women and removing all sort of discernment for women is among the primary aims of United Nations. Defilement of fundamental rights of women is a matter of concern worldwide. Women's rights do not get priority in many regions. A very well-drafted strategy is needed to confirm the practice of female's rights worldwide. We should thoroughly understand the major factors that cause discrimination against women and how we can eliminate them and ensure equality among all human beings irrespective of their gender.

The United Nations have addressed women's human rights for many years. Their constant efforts have resulted in direction of progress of female's rights in many nations. Even after so many positive changes have taken place, lots of work is still yet to be done. Based on nationality, age, health status, ethnicity, education, marital status, socio-economic status, and other grounds, women get discriminated against in many parts of the world in their respective communities and societies. A country's development depends on women's social, political, and other vital structures. So, eliminating combating discrimination in all its forms is the first and foremost requirement for the development of humanity.

This paper highlights women's human rights, laws framed on an international level to protect and promote these rights, conferences that took place on a global level that proved to be a milestone in securing women's rights and prime bodies of United Nations to work in this direction. This paper aims to get a thorough understanding of the present situation of Rights for women and significant challenges in practicing these rights. It paves the way for a more aware and conscious pool of human beings who can develop a safe, peaceful, and encouraging world for women.

Key words : Human rights, United Nations, Women's rights, discrimination, socio-economic status

1. Introduction :-

Females are almost half of the population of the whole world. However, even after manifold progress in human civilisation since its origin on earth, the position of females is still tragic. Many kinds of discrimination against females based on age, gender, religion, etc., are seen in many regions worldwide. Violation against women and girls is common in many countries (Johnson et al., 2007). Although many social development agencies raise their voices

against discrimination and violence against women, such discrimination continues based on culture, tradition, custom, etc. This problem is not related to the specific country or region, but it spreads worldwide(Niaz, 2003) . United Nations has taken many firm steps against this inhuman behaviour against women, and many legal frameworks have been introduced to protect and promote women's rights(Stein, 2017) . Right to education, equal pay, freedom of marriage, freedom of birth, and many such issues have been raised by United Nations for more than the last 70 years(Heise, 2018) .

Due to all the steps taken by UN and its member states, including many non-governing bodies in the states, Today, it will not be wrong to say that the gender roles have somewhat become equal to what they used to be in the past(Women & others, 2017) . However, there is a long distance to cover yet till we reach the destination. Ever since historical times, women have dynamically contributed to the construction of society. Many women participated in the world wars although their works got no acknowledgment(Cockburn, 2018) . We have to create such society of harmony and equality where women are safe and nurtured.

2. International law on women right protection :-

United Nations has always worked to confirm alike rights for each human being notwithstanding their gender. The charter adopted in year 1945 by United Nations mentioned that one of its prime goals is “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women.”Human rights’ universal declaration was accepted in 1948, which declared that males and females are eligible for equal human rights(Ayupova et al., 2019) .

Human Rights Commission started to draft two human rights treaties after the Universal declaration got accepted. These two treaties were (i) The International Covenant on Civil and Political Rights and (ii) The International Covenant on Economic, Social, and Cultural Rights. Universal Declaration, along with mentioned two treaties forms the Human Rights International Bill(Tomuschat, 2019) . Both treaties declared the prohibition of all kinds of gender-based discrimination and certified equivalent rights for both men and women. The International Covenant on Civil and Political Rights guarantees the right to life, liberty, and security of human beings and freedom from torture and slavery. This covenant also confirms equality in front of the law, liberty of movement, thought, integrity, religious conviction, and association. The International Covenant on Economic, Social, and Cultural Rights affirms the right to do work, to create trade unions(Strydom, 2019) .Human Rights related to health, marriage, parenthood, and safety of a child, suitable living standard, education, and culture and science are safeguarded in this covenant.

Member states approved the declaration of the abolishment of Discrimination against females of United Nations in 1967. This declaration mentioned that discernment against females is a crime against the dignity of humankind. This declaration instructed member states to eliminate prevailing discriminatory customs, laws, protocols which act against females. States were also asked to create relevant laws to safeguard the equal and same rights of women and men. Later in 1979, the General Assembly espoused The Resolution(Joyner, 1981) , which enunciated what sex-based discrimination means and its essential characteristics(Charlesworth et al., 1991) . It also advocated the abolition of discrimination by any Form against females. It covered the civil, economic, political, cultural, and social rights of women, together with the right to work, education, financial credit, health, right to cast vote, partake in public life, retain or change nationality Etc. It took vital consideration on problems like the trafficking of

women(Reilly, 2009).

States were held responsible for determining human rights practice and required amendments in present laws to ensure equality among all human beings(Alston & Goodman, 2013). Convention suggested drafting new laws to affirm the prohibition of discrimination and legal protection of females' rights to refrain from discriminatory acts(Sullivan, 1994). States have been permitted to use social dealings to accelerate the equivalent status of females in all walks of life. Nevertheless, along with states, given convention invoked private actors also to eliminate gender-based discrimination(Lerner, 2003).

3. Regional instruments on women right protection :-

Regional treaties on human rights and international ones also cover necessary provisions to encourage and safeguard women's human rights(Izugbara et al., 2020).

In 1981, African Unity's organisation approved "The African (Banjul) Charter on Human and Peoples' Rights." Article 2 of this charter covers prohibition of discrimination in human rights-based on anything together with gender(Charter, 1981). A compulsion for African states to remove discrimination against females and preserve women and children's rights has been mentioned in Article 18 of the charter(Tamale, 2008). Later in the year 2003, the protocol of charter on women's rights in Africa was accepted(Union, 2003).

Provision for no discrimination has been included in Article I of the American Convention on Human Rights and Chapter II of the American States Organisation Charter(Okere, 1984). The organisation accepted an inter-American Convention in 1994, which covered inhibition, reprimand, and the abolition of any violence against women(Jochnick, 1999).

Any discrimination, including the one based on gender, is prohibited in article 14 of the Convention of Europe on fundamental freedom and Human Rights(Fredman, 2016). Since 1998 case of any violations of human rights, Individual is allowed to bring his/her complaint to the human rights court(Kaleck & Saage-Maaß, 2010). Later in 2011, A new convention was accepted by the European council covering inhibition and combat of all forms of violence against women(Krook, 2019).

Other political organizations in various regions, including the "Southeast Asian Nations association," "West African States' Economic Community," and "the Southern African Development Community," have accepted resolutions, protocols to shield human rights for female sand prevent violence against them(Akinrinade & Barling, 2013).

4. Global conferences :-

Many international conferences have been devoted to the subject of "Women's rights" and produced substantial commitments on a political level to guard and encourage Human rights for womenfolk, prevent violence, and ensure equality for them. The year 1975 has been recognised as international women's year(Meyers, 2016). In this year, an international conference had been organised in Mexico. A world plan of action was drafted in this conference, and the period year 1975 to 1985 was designated as United Nations Decade for females(Zinsser, 2002). Copenhagen city hosted an international conference on women in 1980. Convention was opened to sign in this conference which covered the abolition of discrimination against females. After the Copenhagen conference, next was held in Nairobi in 1982 whereas committee formed with agenda to eliminate discrimination stated functioning

(Fraser, 1999).

Astonishing activism on the part of females was observed in these three world conferences on international level, which paved the way for international conferences in the 1990s to discuss Female's rights. This conference was held in Beijing, capital of China in 1995 was Fourth World Conference on Women(Wotipka& Ramirez, 2008).

4.1 Vienna Declaration and Programme of action :-

In 1993 Vienna hosted The World Conference on Human Rights, which was aimed to review the human rights machinery status. In this conference matter of violence against women was addressed, especially by civil society activists. They organized tribunals to raise the problem of women's rights violations(Kelly, 2005) .Before this conference, such matters were unaddressed as society considered them inseparable and standard parts of women's lives. As a result, the Vienna Declaration and Programme of Action were accepted at this conference that mentioned that "the human rights of women and the girl-child are an inalienable, integral and indivisible part of universal human rights(LawJournal, 2010) ." The emphasis was placed on eliminating all sorts of violence based on gender. Prominently, the Programme of Action included "the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices, and religious extremism(Joachim, 2003) ."

4.2 International conference on population and development :-

In the year 1994, The Global Conference on Population and Development was held in Cairo, which proved to be a milestone for women's rights(Cohen & Richards, 1994) . Issues connected to the Human rights of females were addressed here. Matters like gender equality, family, birth control, reproductive health, family planning, education, women's health, immigration were taken up by member states in the conference. Proceeding gender parity and justice and women empowerment, abolition of fierceness against females in any form, and confirming women's capability to regulate their productiveness was considered foundations of population and development-related programs. Women's reproductive rights were clearly stated in this conference. The conference considered to be noteworthy due to its wide and clear of reproductive rights mentioning that women have the right to decide the timing, number, and the gap between children, independently and sensible. They also possess the right to have information and sources for the same(Cohen & Richards, 1994).

Providing worldwide education, lessening of new-born, kid, and maternal death count; and guaranteeing general admittance to procreative health care and family planning, supported baby birth and inhibition of sexually spread diseases like HIV/AIDS, by year 2015 were set as the target in the plan of action(Organization & others, 2001).

4.3 Beijing declaration and platform for action :-

In September 1995, Fourth World Conference on Women was hosted by Beijing, where the plan of action covered 12 areas related to women's rights and empowerment(BHUTANI, 1995) . Previous three world conferences related to female's rights set the foundation for the Beijing conference. A significant achievement of this conference was to enunciate clearly that the rights of women are human rights. It embraced a sequence of strategic targets to abolish discrimination and establish equality among men and women in a plan of action(Women, 2015)

4.4 Millennium development goals :-

In the year 2000, the global community approved to achieve eight development targets by 2015, together with a target on gender parity and empowerment of women along with lessening rate of maternal mortality(Dodd & Cassels, 2006) . The Millennium Development Goals set by the international community proved to be a significant political commitment that stimulated worldwide backing for a few of the world's most intimidating difficulties. Concerning women's rights, the objective of Millennium Development endorses gender equivalence and empowerment of women(Dominelli, 2019) . Schooling of females and participation of women in the non-agricultural segment, wage employment, and countrywide parliaments are used as an gauge of gender equivalence(Dominelli, 2019).

Reduction in maternal death ratio by three quarters, in period of 25 years from year 1990 to 2015, was another vital objective of Millennium Development Goal. Universal Strategy for Women's and Children's Health was Introduced by Secretary-General in year 2010, highlighting the prime actions to advance women and children's health universally(Organization & others, 2015).

Combining gender parity and human rights in the Millennium Development Goals and the post-2015 development agenda have been Significant steps in attaining meaningful progress in promoting and protecting female's rights and advancing their partaking in social structure(Onditi & Odera, 2017) .

4.5 United Nations conference on sustainable development :-

In the Sustainable development conference held in Brazil in 2012, chiefs of State, administration and Government of states addressed progress achieved in implementing agreements approved since the 1992 Conference of United Nations(Authority, 2012) . In this momentous conference, "Rio+20", all member countries' political commitments for sustainable development were renewed. Countries set to create Sustainable development targets to get a more quantifiable approach and apply a better strategy for implementation(Leggett & Carter, 2012) . Member countries also established elevated political forums on sustainable development. Prominently, the states also confirmed their sincere commitment towards achieving equal status for women, their participation in the economy, politics, and social structure at leadership role with decision making authority and eliminating discrimination against women in a document named "The future we want(Vogler, 2014). The outcome document mentioned that sustainable development could only be possible by ensuring an environment of freedom and equality for women and their active participation in all aspects. It emphasized the imperative requirement in the state's legal framework amendment to repeal all such laws or rules that hamper women's development. It also advocated affirmation of access to justice for females(Pogge & Sengupta, 2015) .

5. United Nations Bodies – the human rights council and its mechanisms :-

The United Nations' primary intergovernmental unit is named Human Rights Council, which works to promote and safeguard human rights. General assembly elected 47 States which collectively made the Human Rights Council in 2006(Alston & Mégret, 2013) . Ladies' rights and gender equality used to be addressed by this council frequently since its inception. The council also calls special sessions to address the violation of human rights or other related emergencies. The council establishes a commission to conduct an inquiry in case of violation of women's rights laws(Lauren, 2007) . A review of the status of human rights in member states takes place every four

and half years to assess the progress or deviations.

5.1 The Security Council :-

The United Nations Security Council has taken up multiple resolutions covering women's rights, security, and peace. Resolution 1325 was accepted by the Security Council universally in 2000, asking for amplified contribution of females in all facets of resolution and prevention of conflict (Miller et al., 2014). Council also showed gender viewpoint in all United Nations security and peace efforts and the negotiation and implementation of peace agreements. Security Council also accepted goals to prevent ferocity against womankind in the context of armed conflict whereas at the same time distinguishing females' imperative role in maintaining peace (Basu, 2016)

5.2 The Commission on the status of Women :-

In 1946, United Nations Economic and Social Council established The Commission on the Position of females by determination 2/11 to make commendations and reports on encouraging right of females in economic, political, educational, social, and civil sectors (Yin, 1974). This Commission recommends crucial difficulties related to women's rights and immediate attention on them. In the yearly meeting, the Commission approves conclusions on priority tasks decided for next year (Lake, 2001).

Evaluation of progress achieved in the previous year, unachieved targets, challenges are included in the decided conclusion. It also gives recommendations for Governments, Civil society, international establishments, and other participants. The Commission also approves resolutions on many females' rights-related subjects (Archer, 2005). The active contribution of Commission in end or sing and encouraging females' rights, by the agreement on the Removal of All Methods of Discrimination and Violence against Womankind and Beijing Declaration and Plan to act.

6. Women's Rights in Practice :-

6.1 Women's Rights in Political Life and Public Life :

The right to participate in the country's government is a fundamental human right as per the universal Human rights declaration. 7th Article in the 1952 Convention on Political Rights of Females confirms that women can cast a vote in all kind of elections (Coffé & Bolzendahl, 2010). Women are also entitled for election to all overtly elected bodies, partake in the construction of government plan and policy and their operations. Declaration clarifies that women may take charge of public office, can execute all public jobs at all stages of government. They also possess the right to contribute in public associations or non-governmental organizations (NGOs) of the country. The mentioned convention also declared in Article 8 that member states have to take all suitable actions to guarantee the opportunity to women to represent their government on equal terms with men at the global level and to contribute in the intercontinental organizations work (Simmons, 2009).

6.2 Women's Rights on Sexual and Reproductive Health :-

The Committee on Economic, Social, and Cultural Rights and Elimination of Discrimination against Women have mentioned explicitly that females' reproductive and sexual well-being comes under women's right to health (Cook, 2020). This means that states are responsible for safeguarding, respect, and realize sexual and reproductive well-being right of women. On the right to health, The Special Reporter up holds that female is permitted to reproductive health-care services, facilities and goods that are accessible in suitable count, good quality available economically

and physically, without any discrimination(Sepúlveda Carmona, 2013) .

6.3 Women's Right and satisfactory living Standard :-

Women's rights to property, land, water, food, cleanliness, social security, and work are related to their right to attain an acceptable living standard. International Law on human rights guarantees all these mentioned rights and the right to enjoy these rights without discrimination(Kabeer, 2004) .

6.4 Women's Rights against Violence :-

In human rights treaties, much attention has been given to violence against females since the commencement of the 1990s(Edwards, 2010) . Violence against females has been defined in the declaration of the Elimination of Violence against Women. It clarifies that any action related to gender-based violence which consequences in, or is possible to consequence in, psychological, sexual, or physical suffering to females, together with coercions of such actions, threat, or unreasoned deficiency of authority in private or public life(Marshall, 2008) .

6.5 Women's Rights for migrants :-

World's total migrant population comprises 50% female migrants and in developed countries count of female migrants is more than males(Oishi, 2005) . Both positive and negative consequences are there of female migration. It comprises a considerable possibility to develop equality of gender through empowering migrant women, as various migrate working as the chief breadwinners for the families nowadays. Though, migration may upsurge susceptibilities and may put migrant women in danger of exploitation, violence, and discrimination.

General assembly achieved a vital breakthrough with acceptance of international convention in 1990 which covered Fortification of All workers' rights who are migrants along with rights of their family members(Eckel& Moyn, 2013) . This resolution restates that irrespective of migration status, all persons have human rights both in regular and irregular conditions, as mentioned in major human rights treaties. This convention held states responsible for ensuring that the condition of migrants in an unstable situation does not persevere. The state should inform migrants and especially females about their rights. This convention advocated the abolition of discrimination in all possible forms against migrant women and to give them the status of equality with men(Satterth waite, 2005) .

6.6 Women's Rights in Crises and Conflicts :-

Womankind have been facing violating acts such as sexual slavery, rape, forced impregnation, miscarriages, kidnapping, trafficking, sexual abuse, and other gender-based crimes(Ajodo-Adebanjoko, 2015) .

The fourth Geneva Convention raised the requirement of the distinct shield of females against any outbreak on their honour like imposed prostitution, rape, or any mode of offensive assault. Wartime rape and sexual violence have been proposed by the global criminal tribunal for Yugoslavia and Rwanda to be considered a deed of torture, war crimes, integral acts of genocide, or misconduct against humanity(Heineman, 2011) . Ferocity against womenfolk both in conflict and post-conflict can be considered as discrimination against women in peacetime.

Conclusion :-

Access to justice is required to make sure that women can enjoy their rights without any hinge or discrimination and raise objections in case of violation of any kind in the practice of females' rights. International law for human rights gives women access to justice similar to men as one of their fundamental rights as mentioned in Articles 2.3 and 26 of the Global Treaty on Political and Civil Rights(Heineman, 2011). The Agreement on the

Abolition of All kind of Discrimination against Womenfolk mentioned that the state must protect females' rights with the help of competent national tribunals and other public institutions. Remarkable growth has been achieved worldwide in revising and redrafting laws that discriminate against women. Efforts have been made in writing constitutions that integrate assurances of equality and non-discrimination for women. A fundamental requirement for women to access justice is a legal and constitutional agenda that promises females' rights at the countrywide level.

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A Critical Study to Woman Enter places of Worship under Hindu religious in India

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Abstract :-

The Fundamental Rights under Part III of the Indian Constitution are considered essential to protect the liberties and rights of the people against the infringement of the power delegated by them to their government. Dr. B.R Ambedkar described Part III as the most citizen part of the Constitution; it covers all the civil and political rights enumerated in the Universal Declaration of Human Rights and also the basic values cherished by the people of this country. Thus Fundamental Rights are essential for an individual to attain his full intellect, moral and spiritual status. Guaranteeing to all the person's the right to "freely profess, practice, and propagate religion" are the words in Article 25 of the Constitution, but in practice these rights are often bifurcated on the basis of gender and surprisingly, most women do not object this practice as they have been made to believe that such conduct are to protect them and for their best.

Key Words :- Fundamental Rights, Indian Constitution, Human Rights, religious, equality, freedom.

Introduction :-

The right to freedom of religion and practicing, professing and propagating it freely, subject to reasonable restrictions under the Constitution, forms the backbone of our secular country. Interestingly; gender equality and striving towards a more inclusive society are also salient features of our Constitution. Even the Constitution makers wouldn't have foreseen that there would be a time when right to practice religion and to pray would be questioned and debated in a court of law. Going with the wind and encouraging the trend, courts have upheld the rights of women to equality and freedom of religion, thus trying to end the year's old custom and striking down the restrictions imposed.

The demand for equality in right to worship, without any caste discrimination have been one of the long and struggling movements in India. Initially the movement started seeking equality for Dalits, but its scope has now expanded, were women are seeking parity with men in access to public places of worship. Unfortunately, in this 21st century we are still relying on the age-old traditions, which are unreasonable, and placing India to the plane of backward, conservative and regressive country. Agreeing to the fact that, various religions for many centuries excluded women from entering place of worship, but living in the present world, it is essential to understand that

these bans are not compatible and parallel with the laws of India and even the Constitution of India.

In *Indian Young Lawyers Association v. Union of India* the Supreme Court, while taking cue from the Bombay High Court decision on Shani Shignapur temple held that no law or custom could justify the ban on entry of a woman to the temple. The court also criticized the 1991 Kerala High Court judgment in *S. Mahendran .v. the Secretary, Travancore Devaswom Board, Thiruvananthapuram* where the High Court upheld Section 3(b) of Kerala Hindu Places of Public Worship (Authorization of entry) Rules which prohibits entry of woman and justifies the same.

Objectives of the Study :-

- The study focuses to understand the constraints and limitations on rights of women to enter places of worship.
- To dig upon the efficiency of Constitutional provisions in safeguarding religious rights of a woman.
- Detail analysis of landmark judgments pertaining to rights of women to enter worship places.
- To understand the need to have gender equality and building of an inclusive society so as to safeguard religious rights of people.
- To create awareness as to Constitutional and legal rights pertaining to practice of Hindu religion, guaranteed to all citizens of India, including women.
- To avoid discrimination and stigma faced by a menstruating woman, and to eradicate restrictive practice on matters of religion based on biological grounds.
- To foresee the necessity to enact legislations exclusively to protect the religious rights of Hindu women.
- To understand the actual need of the hour and measures to narrow down the gap of gender discrimination on religious practices.

Hypothesis :-

Though, India being a secular country aiming at gender equality, discrimination on Hindu women to enter places of worship is continuing, thereby the Constitutional and legal rights of women pertaining to practice of Hindu religion are infringed.

1. What is the need to protect women's rights to enter places of worship?
2. What are the Constitutional and legal safeguards guaranteed to women to protect their religious rights?
3. How far is the public aware about the Constitutional objectives on secularism, equality and religious rights guaranteed to the citizens and non-citizens of the country?
4. What are the constraints and limitations on religious practices faced by women?
5. How well are the guaranteed religious rights implemented and enforced in the country?

Research Methodology :-

Limited by the time horizon, the methodology employed in conducting this research is doctrinal. The reliability and dependability of the study mainly depends upon the methodology adopted. The Doctrinal study is based on the collection of data from primary and secondary sources. The primary sources of data used include statutes, regulations, declaration, notifications, guidelines and committee reports. The secondary sources of data used are books, dictionaries, encyclopedia, journals, newspapers and websites.

Scope of the Study :-

- This study will be useful to trace out the causes and the reasons for the time immemorial restrictive practices on women in entering worshipping places.
- The rights of women to enter places of worship, the extent of their right to freedom of religion are pondered and studied from the Constitutional, Human Rights and legislative aspects, so that it would ultimately fill up the differences or mitigate the gap of gender discrimination and lead to attain dignity of a woman in the true sense.
- This research would be a catalyst to give awareness on Constitutional and legal rights of women with respect to their religious rights.
- Encouraging gender equality and inclusive society in concurrence with the Constitutional features and objectives.

Conclusion :-

The restriction on women to enter the places of religious worship has now become a contentious issue of the time. This is not the case that has come up suddenly, such practices have been persisting in India from time immemorial, but the awareness and the movements across the nations have recently espoused these concerns, leading to several petitions and appeals filed before the High Courts and the Supreme Court. Subject to reasonable restrictions under the Constitution, the right to freedom of religion, to practice, profess and propagate it openly forms the bedrock of our secular nation. A salient feature of our Constitution is ensuring gender equality and aiming for a more inclusive community.

Women are constantly fighting a battle for this equality irrespective of the fact that our Constitution expressly provides it. Also, they are currently fighting to be treated as equals in the eyes of their gods. Indian feminism has always been a unique debate, owing to various ethnic influences that are characteristic of the cultural minefield that India is.

Women and their right to worship is a pressing concern for a secular state like India, which promises to protect the right of each and every one of its citizens to practice a faith of their own choice. Therefore, the assertions of fundamentalist forces those religious institutions are outside the purview of the State, and above the law, are highly troubling.

Suggestions :-

The following are few suggestions to curb the restrictive practices on women's :

- Although traditions go out of date very hardly in a country like India, it will take some time to accept new traditions. People should be made aware that India is a country of villages, and to make it prosper, education is needed so that people can be aware of their rights and fight for them. Only women can empower women. Today, emphasis is laid on empowering women and gender equality, but how do we plan on achieving it in a country where women have always been laid down and seen subservient.
- Strict measures should be taken by the State against these arbitrary practices. When it comes to issues of discrimination, it is the obligation of the State, both moral and legal, to take upon itself the task of changing regressive notions, and bringing about a transformation.

- It is essential that uniform standards are laid down so that there are no discrepancies about the unconstitutionality and validity of discriminatory and regressive religious customs. Legislations as well as precedents may do well. The stress on Article 26(2) and even Article 25 may be misplaced – Article 13(3) (a) is widely worded to include ordinance, order, bye-law, rule, regulations, notification, custom or usage... within the definition of laws in force. The recognition of religious customs and usages as laws in force will ensure that those in derogation of Fundamental Rights are struck down as per Article 13(1) of the Constitution.
- An essential aspect that must not be disregarded is the potential of Article 25 (2) of the Indian Constitution. This Article, while overriding both of the other provisions of the article, allows the State's intervention in any religious practice for reasons of social welfare. The State is not restricted from making any law that transforms the scenario into one that is not discriminatory against women. Thus, allowing women to enter places of worship and exercise their right to worship can be done by the State as well.
- The government must move beyond fear of backlash and ensure that the other half of society gets their right to worship. The government not only needs to act against regressive practices, because they violate the fundamental rights of the Indian Constitution (a matter entirely for the judiciary to determine), but because these policies adopted by the authorities at religious institutions are violative of the most essential of internationally recognized human rights that must be guaranteed to every citizen, and as such they blot the image of the nation in the international arena. The freedom of any person must not be obstructed, and the freedom to practice their religion and worship freely should not be hindered.

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WOMEN IN CYBERSECURITY - THE CHALLENGES AND OPPORTUNITIES

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Abstract : Cyber security can be a difficult field to break into as a woman, but a lack of skilled professionals in the field of cybersecurity is an excellent opportunity for women to advance. Universities offering science, technology, engineering, and maths (STEM) programs may be a good place to look for female candidates to fill roles in cyber security. For women who are pushing the envelope and pursue cyber security careers, there are some high-paying, rewarding positions that are worth considering. Women with passions in education have the ability to help create a more cybersecurity literate society through raising awareness of internet security for families and the wider community. More efforts are needed to encourage an even greater number of women to enter the complex and lucrative field of cyber security. Educators, professionals, organizations, and employers must collaborate to show girls and young women that they are welcome in the workplace, and teach them the career opportunities that are available to them in the field of cybersecurity. Academic institutions could develop curriculums focusing on cybersecurity, employers could establish partnerships with educators to offer internship opportunities, and professional organizations could host speaker events to give students exposure to women professionals in security.

Keywords : Cybersecurity, Internet, Skilled Professionals.

INTRODUCTION :-

Cybersecurity can be described as a collection of techniques, technologies, and processes that contribute to protecting the confidentiality, integrity, and availability of computing systems, networks, and data against cyberattacks or unauthorized access. Application assaults, malware, ransomware, phishing, and exploit kits are all examples of cyberthreats. As data breaches, hacking, and cybercrime rise to new levels, companies are increasingly relying on cybersecurity experts to help them recognize potential threats and secure their prized data. The demand for cyber security professionals has skyrocketed in India. In the foreseeable future, India may suffer from a shortage of qualified cybersecurity professionals in comparison to industry requirements. According to NASSCOM, India simply lacks trained cyber security specialists despite having the world's greatest IT talent pool. In fact, corporations are willing to pay a premium salary of around Rs 1.5 to 4 crore to top talent because of the increasing demand for experienced employees. Shortage of experienced cybersecurity employees could be disruptive in the long run. In 2022, the global gap between demand and supply in this industry is expected to reach 1.8 million workers.

The shortage of educational institutes that provide cyber security education is also a major contributor to

India's lack of trained experts. As cyberthreats spread beyond computers and cell phones into devices connecting our daily lives with the Internet, there will be new cybersecurity occupations--such as deepfake analysts, driverless car security experts, implanted device guardians, counter cheating referees, and chief identity and digital officers. Because of the high demand for jobs and the scarcity of competent workers, women seeking careers in cybersecurity hold a lot of promise. India is working to increase the number of women who specialise in cyber security. One example is CyberShiksha, a three-year cooperative venture between Microsoft India and the Data Security Council of India that aims to develop a talent pipeline for women in cyber security in the country. The demand for cybersecurity personnel is exceptionally strong in India, when compared to other Asian-Pacific countries. There is a severe scarcity of cybersecurity professionals. Increasing women's involvement in cybersecurity is beneficial to women, businesses, and society as a whole.

This article attempts to provide an overview of present scenario of women as cybersecurity specialist in India, challenges they are facing in this field, opportunities in cybersecurity and how can women be encouraged to pursue careers in cybersecurity?

CHALLENGES FOR WOMEN IN CYBERSECURITY :-

Women are chronically underrepresented in the field of computer security, and they do not consider it a realistic option, for a variety of reasons, including a lack of female role models in the industry, stereotypes, and the salary difference.

Gender imbalance can become a viscous circle if proper actions are not taken by the business sector and policymakers. This is because women are less likely to be drawn to a field dominated by men, and failing to attract women can lead to men's dominance growing even stronger. As a result, attracting women becomes even more challenging.

Most of the courses in cybersecurity focused mostly on corporate cybersecurity, excluding start-ups and companies with fewer than 500 employees; broad areas of risk, compliance, and privacy; and other roles, concluding that women are hardly represented in cybersecurity—sending the wrong message to young girls who might be interested in pursuing an education and a future career in our field.

Furthermore, the industry inaccurately portrays IT security as requiring just technical abilities, leaving women with the perception that the profession is highly technical and even dull. Although there is nothing innately discriminatory about gender that makes males more interested or capable in cybersecurity, society's impression is that it is a profession for men. Young women frequently believe that in order to be regarded equally in the field of cybersecurity, women must be significantly more accomplished than males. Even some female students in high school have come to the conclusion that technological careers are better suited to boys. Women's underrepresentation in Internet security is linked to a larger issue of their underrepresentation in STEM fields (science, technology, engineering, and mathematics). Cultural restrictions prohibit women from participating in some societies.

Some parental influences, as well as other societal beliefs, appear to still be steering girls away from technological careers. Media has created image in young minds that cybersecurity jobs are carried out by shady young men in war room environments. During or even before high school, young ladies form ideas about their place in the world. Despite the media's focus on all of the positive changes that have offered women more opportunities,

teenage girls are still developing beliefs that will limit their future work prospects.

OPPORTUNITIES FOR WOMEN IN CYBERSECURITY :-

Engaging women in cyber security careers would not only assist to address a global scarcity of security specialists, but it will also provide a fresh perspective on how to address today's difficulties. Women that do cyber security courses will have a lot of work chances. Aspirants who want to become cyber security experts should take the appropriate courses. Women's who are passionate about becoming cybersecurity professionals can enrol in top universities and take diploma or undergraduate courses, for securing a better future. Some important courses are -

1. Master Certificate in Cyber Security (Red Team)
2. Stand ford Advanced Computer Security Program
3. PGP in Cyber Security
4. PG /M. Tech in Cyber Security
5. PG Diploma in Cyber Security
6. Cybersecurity Certification Course
7. Post-graduation Program in Cybersecurity
8. Cyber Pro Track
9. Certified Information Security Consultant

Cyber security experts check the data threats and implement security programs, safeguard data from hackers or third parties, design firewall systems, monitor data files, network systems, and so on. Women's who pass the cyber security courses with a minimum grade will be able to work in any organisation. After finishing cyber security training, they can apply for jobs in a variety of fields.

Network Security Engineer: In charge of firewalls, VPNs, routers, and other security devices.

Security Architect: To build network systems and determine whether or not there is a risk of data abuse or cyber assaults.

Cybersecurity Analyst: To look at the risk elements in network systems and other security measures.

Cybersecurity Manager: To give the team instructions and guidance.

Systems analyst, cyber security engineer, systems administrator, cyber security consultant, chief information security officer, forensic computer analyst, penetration tester, vulnerability analyst, and so on are some of the other relevant cyber security positions. A cyber security expert's salary ranges from Rs. 40,000 to Rs. 60,000 a month, depending on experience and skills. Salaries for Cyber Security positions will vary depending on the firm.

ENCOURAGING WOMEN TO THE FIELD OF CYBERSECURITY :-

To encourage more women to pursue careers in computer security, a shift needs to occur in the perceptions and work environments, so that women see this career path as inclusive and full of opportunities. Increasing female cybersecurity participation is good for women, for businesses, and for the community. Some tech companies have launched programs that promote women's interest and confidence in entering Internet security careers. Several powerful organizations, such as Cisco, Symantec, and ISACA, have launched initiatives to promote and support women who are seeking careers in computer security. Encouraging more women to pursue cybersecurity careers

is crucial for filling some of the 2.5 million jobs that are now unfilled globally, according to Microsoft, as well as tackling a global skills gap. Companies should make sure female employees view cybersecurity as a viable internal career-change opportunity. Government, charitable groups, professional and trade organisations, and the corporate sector must collaborate to attract more women to cybersecurity.

Projects involving public–private partnerships may be able to help tackle the issue in the future. Identification of high school girls with talent, drive, and potential is also very important measure in this regard. Their natural eagerness to study IT, and provides training and workshops to assist individuals improve IT abilities. Through correct advice, assistance, and support from mentors, females' involvement in hackathons and training programmes can be boosted. Women's interest and confidence in Internet security careers should be encouraged by technology companies through launching different skill-based programmes. One such programme is Cyber- Shiksha. Cyber Shiksha is the result of the partnership between Data Security Council of India (DSCI) and Microsoft, providing cyber security training programs to women.

The primary goal of Cyber Shiksha is to help elevate the careers of women who are not being adequately served by other organizations in India, and to also help close talent gaps and gender gaps in this sector. The awareness that women are vastly underrepresented in and desperately needed in the cyber security industry has prompted a number of programs designed to engage and advance women in this predominantly male-dominated field. Microsoft has collaborated on several programs to increase women's representation in the cybersecurity field, including Girls of Security, a training program offering online mentoring, professional development, and skills-building for women, girls, and gender minorities interested in cybersecurity. Some of the different programmes include Girl Security, Cyber Start America, The Cybersecurity Converge Tour, Women in Cybersecurity, Microsoft Women in Security and several others.

Motivating women into cybersecurity careers will not only help to solve a global shortage of security professionals, it will infuse a new outlook on how to solve the challenges of the day. Increasing women's participation in cybersecurity organizations will also encourage companies to treat women like equally valued employees to men, and increase the chances that more women will join the global cybersecurity workforce. With more women being attracted to STEM fields, including cybersecurity, the promise of increasing gender equality within the cybersecurity workforce is achievable.

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Protection of Human Rights of women under International Law

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Key Words : Human Rights, Women, International Law, United Nations, UDHR

Through attaining equality between women and men and eliminating all forms of discrimination against women are fundamental human rights and United Nations values. Women around the world nevertheless regularly suffer violations of their human rights throughout their lives, and realizing women's human rights has not always been a priority. Achieving equality between women and men requires a comprehensive understanding of the ways in which women experience discrimination and are denied equality so as to develop appropriate strategies to eliminate such discrimination.

The United Nations has a long history of addressing women's human rights and much progress has been made in securing women's rights across the world in recent decades. However, important gaps remain and women's realities are constantly changing, with new manifestations of discrimination against them regularly emerging. Some groups of women face additional forms of discrimination based on their age, ethnicity, nationality, religion, health status, marital status, education, disability and socioeconomic status, among other grounds. These intersecting forms of discrimination must be taken into account when developing measures and responses to combat discrimination against women.

This research paper provides an introduction to women's human rights, beginning with the main provisions in international human rights law and going on to explain particularly relevant concepts for fully understanding women's human rights. Finally, selected areas of women's human rights are examined together with information on the main work of United Nations human rights mechanisms and others pertaining to these topics. The aim of the research paper is to offer a basic understanding of the human rights of women as a whole, but because of the wide variety of issues relevant to women's human rights, it should not be considered exhaustive.

Since the founding of the United Nations, equality between men and women has been among the most fundamental guarantees of human rights. Adopted in 1945, the Charter of the United Nations sets out as one of its goals "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, [and] in the equal rights of men and women". Furthermore, Article 1 of the Charter stipulates that one of the purposes of the United Nations is to promote respect for human rights and fundamental freedoms "without distinction as to race, sex,

language or religion”. This prohibition of discrimination based on sex is repeated in its Articles 13 (mandate of the General Assembly) and 55 (promotion of universal human rights).

In 1948, the Universal Declaration of Human Rights was adopted. It, too, proclaimed the equal entitlements of women and men to the rights contained in it, “without distinction of any kind, such as ... sex,” In drafting the Declaration, there was considerable discussion about the use of the term “all men” rather than a gender-neutral term.¹

The Declaration was eventually adopted using the terms “all human beings” and “everyone” in order to leave no doubt that the Universal Declaration was intended for everyone, men and women alike.

After the adoption of the Universal Declaration, the Commission on Human Rights began drafting two human rights treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Together with the Universal Declaration, these make up the International Bill of Human Rights. The provisions of the two Covenants, as well as other human rights treaties, are legally binding on the States that ratify or accede to them. States that ratify these treaties periodically report to bodies of experts, which issue recommendations on the steps required to meet the obligations laid out in the treaties. These treaty-monitoring bodies also provide authoritative interpretations of the treaties and, if States have agreed, they also consider individual complaints of alleged violations.²

Both Covenants use the same wording to prohibit discrimination based on, inter alia, sex (art. 2), as well as to ensure the equal right of men and women to the enjoyment of all rights contained in them (art. 3). The International Covenant on Civil and Political Rights guarantees, among other rights, the right to life, freedom from torture, freedom from slavery, the right to liberty and security of the person, rights relating to due process in criminal and legal proceedings, equality before the law, freedom of movement, freedom of thought, conscience and religion, freedom of association, rights relating to family life and children, rights relating to citizenship and political participation, and minority groups’ rights to their culture, religion and language. The International Covenant on Economic, Social and Cultural Rights guarantees, for instance, the right to work, the right to form trade unions, rights relating to marriage, maternity and child protection, the right to an adequate standard of living, the right to health, the right to education, and rights relating to culture and science.

In 1967, United Nations Member States adopted the Declaration on the Elimination of Discrimination against Women, which states that discrimination against women is an offence against human dignity and calls on States to “abolish existing laws, customs, regulations and practices which are discriminatory against women, and to establish adequate legal protection for equal rights of men and women”. Less than a year later a proposal for a legally binding treaty on women’s rights was made. The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly in 1979. Its preamble explains that, despite the existence of other instruments, women still do not enjoy equal rights with men.

The Convention articulates the nature and meaning of sex-based discrimination, and lays out State obligations

to eliminate discrimination and achieve substantive equality. As with all human rights treaties, only States incur obligations through ratification. However, the Convention articulates State obligations to address not only discriminatory laws, but also practices and customs, and discrimination against women by private actors.

With these general principles as an overarching framework, the specific obligations of States to eliminate discrimination against women in political, social, economic and cultural fields are laid out in 16 substantive articles.

The Convention covers both civil and political rights (rights to vote, to participate in public life, to acquire, change or retain one's nationality, equality before the law and freedom of movement) and economic, social and cultural rights (rights to education, work, health and financial credit).

The Convention also pays specific attention to particular phenomena such as trafficking, to certain groups of women, for instance rural women, and to specific matters where there are special risks to women's full enjoyment of their human rights, for example marriage and the family.

The Convention defines discrimination in its article 1 as "... any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

Such discrimination encompasses any difference in treatment on the grounds of sex which :

- Intentionally or unintentionally disadvantages women;
- Prevents society as a whole from recognizing women's rights in both the private and the public spheres;
- Prevents women from exercising the human rights and fundamental freedoms to which they are entitled.

The Convention also specifies the different ways in which State parties are to eliminate discrimination, such as appropriate legislation prohibiting discrimination, ensuring the legal protection of women's rights, refraining from discriminatory actions, protecting women against discrimination by any person, organization or enterprise, and modifying or abolishing discriminatory legislation, regulations and penal provisions. The Convention foresees that achieving equality may require positive action on the part of the State to improve the status of women. To accelerate women's actual equality in all spheres of life, States are permitted to use temporary special measures for as long as inequalities continue to exist.

The Convention thus reaches beyond the narrow concept of formal equality and aims for equality of opportunity and equality of outcome. Temporary special measures are both lawful and necessary to achieve these goals. In principle, these measures should be removed once equal status has been achieved.

Importantly, the Convention adds new, substantive provisions to the other instruments which also deal with equality and non-discrimination. Article 5 establishes that in addition to recognizing women's legal equality and promoting their de facto equality, States should also strive to eliminate the social, cultural and traditional patterns that perpetuate harmful gender stereotypes and to create an overall framework in society that promotes the realization of women's full rights.

The Convention on the Rights of the Child (art. 2) and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (art. 7) also prohibit discrimination based on sex. The Convention on the Rights of Persons with Disabilities (art. 6) recognizes the multiple discrimination that women with disabilities are subjected to, and requires State parties to address this by taking “all appropriate measures to ensure the full development, advancement and empowerment of women” in the enjoyment of their human rights. In its general recommendation No.25 (2000) on gender-related dimensions of racial discrimination, the Committee on the Elimination of Racial Discrimination, which oversees compliance with the International Convention on the Elimination of All Forms of Racial Discrimination, also recognized the gender dimensions of racial discrimination and said it would “Endeavour in its work to take into account gender factors or issues which may be interlinked with racial discrimination.”

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Role of Supreme Court in interpreting international instruments for women empowerment

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Abstract :-

Since the time immemorial, it is quite evident that women all around the world facing too much discrimination that puts them in poverty, abuse and violence. The International community while taking it on serious note to remove all kind of discrimination and established core principle to protect the rights of women prepared various kinds of international instruments. These frameworks guide the countries to legislate and create such kind of legal environment which can effectively deal with issues relating to women. As we know that India also adopted these international documents and our constitution clearly express the same to prohibit the discrimination against women. The Supreme Court has been working as a savior of women from atrocities and put adequate efforts to give effective interpretation of the constitutional provision for protecting the rights of women. The decision of Supreme Court influences the other constitutional and statutory bodies to effectively compliance with the guideline to establish the concrete solution to the problem.

Key words : Discrimination, women empowerment, provision, international instrument.

INTRODUCTION :-

Women have long faced discrimination and exploitation across the world, and virtually universally, they are the victims of physical, sexual, and emotional abuse. Religious, ethical, customary, and moral norms have all played a role in the history of crimes against women, as has been documented. The male-dominated culture made women's lives difficult by placing them in positions of vulnerability and oppression. There was no separate reorganization of her social, economical, educational and political rights. The image of women in Indian philosophy is equal to goddess in spite of this women are consider inferior to the male. During the medieval era, many custom start prevailing in the society which totally infringes the freedom of the women in the society. Muslim invaders started practicing 'purdah' system and parallel to this custom of Sati and child marriage worsens the status of women of that time.

After independence, the Indian constitution provide many separate provision and gave space to create further legislation in favor of specially focus on women related issues. Many useful measures were added by government to the Indian Constitution in order to secure women empowerment and bring them to the mainstream. Women in India are now actively involved in almost every aspect of society, including education, sports, politics,

the media, the arts and cultural sector, the service industry, as well as research and development in science and technology. The patriarchal mindset is still strongly ingrained in Indian culture, which means that women are still mistreated, humiliated and exploited in numerous places that aren't readily evident to the outside world.

INTERNATIONAL INSTRUMENTS FOR PROTECTION OF WOMEN :-

From its inception, the United Nations and its specialized agencies were serious for providing equal rights and status to women. The United Nations Charter reflects its clear intention to facilitate women with all necessary fundamental rights and freedom from any kind of discrimination as to sex. "Without difference of any type, such as race, colour, or gender, everyone has the right to all of the freedoms and rights set out in this Declaration.

Universal Declaration of Human Rights has put obligation on the member state to secure equal rights protection which are inalienable and should be guaranteed to every person. This recognition serves as the basis idea of peace, freedom and justice throughout the world. The state parties to this committed to establish great respect and cooperation among all nations to spread harmony and friendly environment where every citizen can exercise human rights and freedoms.

Article 2 (UDHR) states that all people pursue the same rights and freedoms, without any race, gender, sexual orientation, religion, political, national origin, birth or other position.

Article 16 (UDHR) ensures that women, regardless of their country or religion, have the freedom to marry and are entitled to equal rights both during and after their marriages. This freedom of marriage extends to the dissolution of a marriage as well. For further protection, women are entitled to the same rights as males in both society and government.

The ICCPR highlights the fact that males and females have the same entitlement to the full exercise of civil rights and political rights. Article 23 of this acknowledges the family as the most basic and natural unit of society, and provides them the right to receive protection from both society and the state. The states that have signed the covenant are obligated to take the necessary steps to guarantee that both partners have an equal right to marry, and they must also make the necessary provisions to protect any children.

The ICESCR mentions rearrangement of the right of everyone to work in a favourable condition with the assurance of compensation for all workers, safe and healthy working conditions, equal chance for advancement and fair limits of working hours and periodic vacations with pay.

Women's rights, including their right to vote, their eligibility to participate in any and all types of elections, and their ability to occupy public office on equal terms with males and free from any kind of discrimination is widely discussed in Convention on the Political Rights of Women.

Article 14 of The Declaration on Elimination of Violence Against Women (DEVAW) states that in order for the state to be successful in eradicating violence against women, it must build a system to give justice that is appropriately equipped with criminal, civil, labour, and administrative penalties as well as domestic law in order to both punish and remedy wrongs perpetrated to women.

The most important adopted in 1979 by the 'UN General Assembly' is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which is also popularly known as an international bill of rights dedicated to women. The Convention defines discrimination against women as "...any distinction, exclusion or

restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." Article 1 mention almost all type of offence regarding women which practices by the person or society in form of violence and abuse to her mental and physical status. Article 11(1) imposes a responsibility on states parties to provide all sufficient safeguards measures to women in the area of work. There must be a guarantee of women's employment protection of their health, as well as a guarantee that reproduction is not endangered in the workplace.

RIGHTS PROVIDE TO WOMEN UNDER INDIAN CONSTITUTION :-

Equal status for women has been guaranteed in the Indian constitution, which allows the state authority to legislate laws in accordance to give reasonable favor to women so that the situation of discrimination can be removed. Justice, liberty, and equality for everyone are explicitly stated in the Indian constitution and these principles reflect in each and every article of the constitution and for implementation of them. This is especially true of the country's constitution's Directive Principle of State Policy. Women have the right to equal protection and enjoyment of all human rights and basic freedoms in all spheres of society, including political, economic, social, cultural, and civic life, as well as any other area.

Under mention all constitutional articles which mention the rights and other protective measures for women:-

Article 14 - The right to equal treatment and equal protection under the law.

Article 15 (1) - Mentions the states elimination of discrimination based on gender.

Article 15(3) - Any particular provisions for women are unnecessary in an empowering state.

Article 16(2) – Discrimination based on gender must be elimination from all workplaces.

Article 23(1) - To put an end to the trafficking of people and the use of forced labour.

Article 39 (a) - The state must ensure that the right men and women have equal access to a sufficient standard of living.

Article 39(d) – Mention the concept of equal pay for equal job for both men and women in India.

Article 39 (e) - To ensure that women's health and strength are not harmed, the state has an obligation to protect them.

Article 42 - Making provisions for the state to provide reasonable and humane working conditions as well as maternity leave benefits is an important step.

Article 46 - Encouragement of extra attention to be given to the educational and economic interests of the less fortunate members of the population, as well as the protection of these individuals from any and all sorts of exploitation.

Article 47 - a rise in both the amount of nutrition and the quality of life enjoyed by the people under the control of the state.

Article 51-(A) - (e) Every Indian citizen should be compelled to abandon behaviors that degrade women's dignity.

Article 243- A quota of one-third of the total number of seats, as well as the position of chairperson, should

be reserved for women in elections for both the municipality and the panchayat.

Indian laws for women empowerment.

The Equal Remuneration Act, 1976.

The Dowry Prohibition Act, 1961.

The Immoral Traffic (prevention) Act, 1956.

The Maternity Benefit Act, 1961.

The Medical Termination of Pregnancy Act, 1971.

The Commission of Sati (prevention) Act, 1987.

The Prohibition of Child Marriage Act, 2006.

The Sexual harassment of Women at work place (prevention, protection and) Act, 2013.

The Pre-conception & Pre-natal Diagnostic Techniques (regulation and prevention of misuse) Act, 1994.

SUPREME COURT AND JUDICIAL INTERPRETATION TO SECURE RIGHTS OF WOMEN

Indian Constitution secures independent judiciary which free from legislative and executive influence. The role of Supreme Court was seemed very crucial in interpreting the legislation and their adoption. The hon'ble court at various occasion played active role in establishing the international standards of gender justice. Through judicial review, judicial activism, and social action lawsuits, the court had adopted a constructive strategy with the goal of making the law more protective of women. Thus court evolved gender jurisprudence which has given new dimension and creates thought process while dealing with women related issues and its resolution for avoid discrimination.

EQUAL TREATMENT :-

"The court while upholding the principle of equality lay down that the provision in the said regulation which required that unmarried women were to give up service on marriage was held unconstitutional." In another case in which the clauses regarding retirement which mention that women joined as airhostess require retiring at age 35, or on marriage. The Regulations was held unconstitutional and held against of article 14 of right to equality so that struck down by the court."

REGARDING PERSONAL LAW :-

A Syrian Christian women having discrimination in intestate succession is being challenged in this case by pointing to the Travancore Succession Act of 1916. The court decided that "No personal law can be held above the Constitution of India and if any, such provision is held void and therefore will not be made applicable. That women's personal laws are being grossly exploited was brought to light by this case. In this case, a Hindu man who had been married under Hindu law and wished to have a second wife converted to Islam to fulfil his desire. He returned to Hinduism after his second marriage. Both personal law and the second wife argued that she had no legal recourse. The Supreme Court ordered the union government to create a single civil code as a result of this ruling. In very famous case regarding to the personal law where Supreme Court decided that "Triple Talaq" will be Unconstitutional.

EQUAL PAYMENT :-

Women are not only have right to work but also has right to be paid equal in compared to men. In case where a lady sued her company under the equal remuneration act as she gets paid less than the male stenographer.

The court delivered judgment that women should entitle to equal payment. Similarly the courts accept no justification on paying less for women teachers with less promotional avenues compared to men.”

PRIVACY OF WOMEN :-

The constitution and other laws fairly concern with the matter relating to protect the individual privacy of the women and taken care the modesty of women should get harmed at any cost. This case was related to the privacy of the women with non interference to it. If in any case she feels that anybody invade in her privacy than she is entitled to get protection of the law.” In another matter The Court directed the LIC to delete columns which compel that the women candidate has to disclose problems regarding to her menstrual period are regular or painless and the cooperation can subject her to pregnancy test and any other condition or rule which unfairly ask women to do Virginitiy test is against right to privacy .

PROTECTING AGAINST CRIME :-

The three-judge bench of Justice S.Mohan, Justice Venkatachalliah, and Justice SB Majumdar established guidelines for rape cases trial, including that victim receive proper legal assistance regarding the procedure and proceedings, mental and physical support from the police and lawyer, privacy for the victim be maintained, and adequate compensation be given while taking into account her age, economic status, and whether or not she is pregnant.

The famous vishaka case which regarding sexual harassment against women in work place. The court issued proper guideline regarding this matter to stop the harassment than later on this issue the parliament enacted separate act also. In the case of ‘the Supreme Court of India’ issued a major decision on sex selection and female feticide as an offence against the right to life of women.

LIVE WITH DIGNITY :-

The court herein matter talked about the women should entitle to get equal treatment at place of work with all facilities to which men are entitled . In this matter the court decided that “They have the right to equal opportunity, dignity, care, protection and rehabilitation for the children of prostitutes.”

"Liability of Muslim husband to his divorced wife arising under Section 3(1)(a) of the Act to pay maintenance is not confined to iddat period."

The court ruled that the Muslim women after having divorced can claim maintenance as established absolute right under criminal procedure code (section 125).

In the cases of “Pratap Singh v. Union of India , Jagannathan Pillai v. Kunjithapadam Pillai , and Velamuri Venkata Siva Prasad v. Kothuri Venkateswarlu ”, among others, the judiciary underlined that gender equality must be taken into account while dealing with the subject involving property and encouraged legislation in this respect, which should include women's right to property.

Beside above mention cases judiciary resolve many complex issues regarding women and continually maintain the efforts to establish a kind of environment where further matters regarding any type of discrimination will be tackling with judicial aptness.

CONCLUSION :-

The judiciary has been operating as a rescuer of women from every form of injustice and crimes. Judiciary

played a crucial role in uplifting the status of women in our country which not only based on gender equality but also equals to the standards set up by the international community. The advantage of unbiased and independent judiciary while interpreting the international instruments and constitutional provision in favor of women lead to a drastic change in the mind set of the Indian society. Judiciary through its active approach imposed a necessary obligation on government and its agencies to formulate such policies which taking care the socio and economic status of women in the various part of countries.

Despite its considerable growth and development, we are continues to lag behind other countries in many sectors, including those where gender inequality still exist in vulnerable. The majority of women still out of the reach of benefit from the policies and legislation aimed at empowering them. Rural and underdeveloped parts of nation not have adequate facilities to provide enough awareness and education regarding the laws and policies for the betterment of women. We had to make a collective approach and efforts to fully implant the laws and make every possible effort to create a women friendly environment for empowering women in true sense with protecting her dignity and equality.

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Women's Rights in India : Problems and Prospects

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Abstract :-

United Nation in its Millennium Summit in 2000 declared 'Gender Equality and Women Empowerment' as one among the eight 'Millennium Development Goal' to be achieved by the year 2015. However these goals are far from being realized in a country like India. In fact often women in India are deprived of their fundamental right to dignity also, leave alone the question of gender parity. The present paper explores the questions central to women's right in India that is fundamentally patriarchal in nature. The article attempts to grapple with the few challenges faced by the women in India like the dowry, female feticide, denial of inheritance rights, sale and trafficking of girls etc. The objective of the paper is to evolve strategies to empower women uniformly like the men.

Keywords : Women's, Rights, Problems, Prospects, Empowerment, Challenges.

Introduction :-

Women emerged as a distinct interest group in the 19th century primarily because the bourgeoisie democratic revolutions of 17th and 18th century that excluded women from their concept of equality. This distinction was based on gender. Since then women as a commune had waged struggle for recognition of their rights as a human being. Women's execute multilateral role in the society i.e. as a bread winner of her family, as a care taker of her family as a mother, wife, daughter and service provider to the society. In spite of the fact that the women's contribution to the country's development is equal to that of their male counterpart, still they experience a number of limitations that restrain them from comprehending their potential for expansion. It was against this background that the government's all over the world felt the need to prioritize the interests of women and their participation at every stage of the development process. Women as a core group of concern emerged a samaj or theme in the Millennium Development Goal. The Millennium Development Goal are the eight goals set by the United Nations in 2000 which will act as yardstick to determine the advancement in the direction of the obliteration of global poverty. UN stated that 'Gender Equality and Women Empowerment' as one of the Millennium Development Goals to be attained by the year 2015. The term Women's empowerment implies the ability of the women take all the important decisions in dependently related to her throughout her life span that will ensure her success in all aspects of life.

However these goals are far from being realized in a country like India. In fact often women in India are deprived of their fundamental right to dignity also leave alone the question of gender equality. The present paper explores the questions central to women's right in India that is fundamentally patriarchal in nature. The article attempts to grapple with the few challenges faced by the women in India like the dowry, female feticide, denial of

inheritance, sale and trafficking of girls etc. The objective of the paper is to evolve strategies to empower women who are as human beings as men are.

The paper is divided into four sections. The section I lists the areas of women's human rights violation in India. Section II focus on the step under taken by the Indian constitution to protect women's human rights. Section III focus on the strategies devised by the government and civil society to empower women in India.

Mapping of Women's Rights Violations In India

This section sets out a range of areas of human rights abuse of women in India.

Missing of girl child :-

The idiom "missing women" was for the first time used by Prof. Amartya Sen¹ when he showed that in many developing countries the proportion of women as compared to men in the population is suspiciously low. The lopsided sex ratio in many states in India is one of the main reasons because of which women, and girls, go 'missing'. The girls from the poor families in India are sold off by the brokers to the men's in particularly in Northern India where the problem of imbalanced sex ratio is very much evident. Apart from the set here are cases of women going missing from their marital homes.

Dowry deaths :-

In India the unusual dowry deaths of the women at their matrimonial home has been increasing at a startling rate. Dowry disputes are quite a serious problem. The National Crime Records Bureau in India in its report had disclosed that in 2012 around 8233 newly wedded brides were killed for dowry². "The role of husband's reaction to dowry brought at the time of Marriage on subsequent experience of marital violence. The substantially reduced risk of experiencing physical and sexual violence among women whose husbands were satisfied with the dowry reflects the strong influence of dowry in determining women's position within the household"³. In spite of the fact that Section 498A of the Indian Penal code strongly deals with the person responsible for marital cruelty and has declared taking and giving of dowry as a crime it is still been widely practiced in India. In fact 'The Dowry Prohibition Act' has not been adequately put into operation in India. It has been discovered that mostly a number of states neither have a Dowry Prohibition Officers nor do they made it obligatory to keep the record of things given and received.

Domestic Violence :-

In spite of the fact that in India we have 'Protection of Women from Domestic Violence Act 2005', domestic violence still remains a serious problem. In fact a major scale of violence that a woman is subjected to in India is linked to the domain of domesticity. The reasons for Domestic aggression are primarily ingrained in the patriarchal nature of the Indian society which supports such violence at home. Besides this the problem of alcoholics of husband or desire for endowments or a male child are some of the other factors liable for household brutalities in India. The domestic violence had taken the form of psychological and physical abuse against women like slapping, hitting, public humiliation, etc. In India the 'Dowry Prohibition Act and the Protection of Women from Domestic Violence Act and cruelty under Section 498 A of the Indian Penal Code in 1983'⁴ declares brutality to a woman in her conjugal house a punishable and non-bail able offence that can lead to as sentence of up to three years and fine.

Sati :-

Even though Sati, an action where upon the exercise of setting widows on the funeral pyres of their spouse, was barred in the pre colonial India by social reformer Raja Ram Mohan Roy, but this practice continued to prevail in post colonial India. The discourse on sati was invigorated in the post independence India in 1986 when a young bride from Rajasthan named Roop Kanwar was set on the pyre of her husband. As a consequence in 1987, the Sati Prevention Act was passed which declared the practice of sati a crime for which death penalty can also be given to the perpetrators of such crime. The act also declared that the 'glorification' of sati by erecting an ample and worshipping of the deceased women as a god is also prohibited. However certain section of people perceives this law a sinister reference in their right to practice the dictates of the irreligion.

Child Marriage :-

In India although there exist a law barring the marriages of children at primitive age, but it is still being practiced in different parts of India. Child Marriage Act 2006 prohibits child marriage and declares 18 years and 21 years as the marriageable age for the girls and boys. According to the National Population Policy, "over 50% of the girls marry below the age of 18, resulting in a typical reproductive pattern of 'too early, too frequent, too many', resulting in a high IMR⁵." Child marriage takes away from a girl child the innocence of her formative years of life necessary for physical, emotional and psychological development. Spousal violence especially sexual violence perpetrated by husbands has severe effect on the innocent mind and body of the child. Even today in India a number of children's are married off on the auspicious day of Akas Teejin Rajasthan.

Preference for a son :-

The preference for a son is a phenomenon which is historically rooted in the patriarchal system of the Indian society. The strong preference for having a son emerged with the transition of the Indian society from primitive stage which used to be primarily a matrilineal to feudal stage where agriculture emerged as the primary established occupation of the people to be controlled by the male. The concept of private property emerged and the land began to be divided among the families. The families having control over the larger part of land were seen with pride. Thus, in such a patriarchal landowning society the sons were seen as the major contributor to the family work force vis a vis girl. The desires for a son often have an adverse effect on the health of the mother also. All these issues gradually led to the neglect of the female child who are often relegated to the back ground even in the present day Indian society.

Female foeticide :-

The low status of women goes on with the practice of infanticide, foeticide, sex-selective abortion which has become common due to the amniocentesis technology, and mal-nourishment among girl children⁶. In India it is estimated that around "10 million female foetuses have been aborted in the last 20 years"⁷. "The child sex ratio in Punjab declined from 894 in 1961 to 793 in 2001. In Haryana, the child sex ratio plummeted from 910 in 1961 to 820 in 2001⁸." In spite of the fact that the Government of India have declared pre birth sex determination through the use of amniocentesis as unlawful, still illicit termination of female foetuses by untrained nurses and staff is widely prevalent particularly in Northern states of India like Haryana, Rajasthan and Punjab. All these have resulted in the escalation of maternal mortality rate⁹.

Education :-

Education is one of the most critical areas of empowerment for women. Although the rights to education under Article 21 of the Indian Constitution have made it compulsory for the government to provide free education to everybody, the high rate of women's education is still a distant dream. In spite of the fact that Sarva Shiksha Abhiyan to an extent has been successful in bringing the girl child back to the schools, yet their retention rate in the school is lower as compared to their male counterpart. In fact it has been found that there is a gradual drop out of the girl students as they move up to the higher classes. This is particularly true in the rural areas in India. The main reasons associated with this is that the parents expects girls to look after the siblings while they are at work, working with the parents as seasonal labour during the cultivation period and managing the household work while the parents are at work, the parent stake more interest in boy education as against the girls as they feel that the girls are to be married off, increasing cost of education etc. Thus the universalisation of primary education in India remains a remote day dream for the women.

Forced evictions and exclusion :-

In India often the widows are evicted from their matrimonial home and are left alone to feed themselves and their children following the demise of their spouses. The UN Special Reporter on Adequate Housing argues: "In almost all countries, whether 'developed' or 'developing', legal security of tenure for womanishly most entirely dependent on the men they are associated with. Women headed households and women in general are far less secure than men. Very few women own land. A separated or divorced woman with no land and a family to care for often ends up in an urban slum, where her security of tenure sat best quest on able"¹⁰. "There is increasing clinching evidence that, in poor households, women spend more on basic family needs, while men spend a significant part on personal goods, such as alcohol, tobacco, etc"¹¹.

Sexual harassment at the workplace :-

The initiative on a discourse on sexual harassment of women at their workplace in India started with Supreme Court's Vishaka guidelines in 1997. However it was the passage of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressed) Bill 2013' that help mistranslating these guidelines in to concrete rules that are to be implemented. But even today the issue of sexual harassment has largely been swept under the carpet in India. "The provisions have never been successfully invoked because of social taboos still associated with sexual harassment"¹². In India the women are discriminated against in terms payment of remuneration for their jobs. This is true for both urban as well as rural areas. Women entrepreneurs often have to deal with more complications in getting credits to start their independent business.

Rape :-

In India there has been a significant increase in the numbers of rape cases in the last 10 years. According to National Crime Records Bureau, in 2012, 25000 rape cases were reported¹³. In Indian the rural areas, particularly in Northern India, the upper caste people use mass rapes as a strategy to have power over the members of the lower caste groups. The brutal gang rape case in Delhi had led to the passage of a stricter Law i.e. The Criminal Law (Amendment) Act, 2013 to deal with the rape cases in India.

Societal violence against women :-

The communities and societies in Indian most of the places are bound up with patriarchal normative universe from which women could hardly get true justice. The religious communities, village communities or the artificial communities like professional bodies are hardly epitome of equality between men and women. Quite often the religious communities have made the life of the women worse by forcing them to adopt conservative practices that are harmful to women.

Protection of Women's Human Rights by the Constitution of India :-

The constitution of India confers special rights upon women. The constitution makers were well aware of the subordinate and backward position of women in the society. They made some efforts for uplift of women in our society. The state is directed to provide for maternity relief to female workers under Article 42 of the Constitution, whereas Article 51-A declares it as a fundamental duty of every Indian citizen to renounce practices to respect the dignity of women. Indian Parliament has passed the Protection of Human Rights Act, 1993 for the proper implementation of Article 51-A. Indian Parliament over the years have taken significant steps for through legislations to achieve the goal of empowering the women in India. The significant among them are the Equal Remuneration Act, the Prevention of Immoral Traffic Act, the Sati (Widow Burning the rights of) Prevention Act, and the Dowry Prohibition Act etc. Apart of these, the 73rd and 74th Constitution (Amendment) Acts¹⁴ provided for 33% reservation for women in both pachayat and Nagarpalika institutions as well as for the positions of chairpersons of these bodies. The set women dement removed the bottlenecks from the paths of women empowerment at the local level. In fact it has been found that the Karnataka sends maximum number of women to the PRIs followed by Kerala and Manipur. In order to facilitate equal participation of women at the national and state level politics, the bill providing for 33% reservation of seats for women in national and State legislatures has been introduced in Parliament¹⁵. Besides this, the government in India has enacted a variety of laws like Dowry Prohibition Act, Sati prevention Act etc to guarantee the rights of the women. Apart from this, in India, National Commission for Women had been established in 1990 to look into the women's problem. NCW have engaged them to deal with the cases relating to the violation of women's rights. They have pressurized the government to pass stricter laws to deal with the rape cases, domestic violence and to create a separate criminal code for the women etc.

Strategies of Women's Empowerment in India :-

The women in India are positioned at a receiving end primarily because they have remained ignorant of their fundamental civil and constitutional rights. Patriarchal system impinges on every sphere of a woman's life. In such a situation often a majority of the mare forced to accept the traditional practices that are detrimental for both their and their children's development. Although women have acquired a level of financial and political autonomy and consciousness about their rights, yet they experience helplessness in bring in gab out basic changes for eliminating gender inequalities from the society¹⁶. The National Commission for Women have taken up the cudgels for women's right and have vociferously demanded separate criminal code for women and enhanced punishment for offences against women. The proposal for creating a separate criminal code for women was designed to provide quick justice to the aggrieved women and speed up the conviction rate. However, this proposal failed to garner support among the government and have been shelved.

A multi-layered strategy need to be developed to assess the core causes of violence against women. The state and society must provide instantaneous support to victim-survivors to ensure that the victims can carry on with their daily life. In dealing with the problem of violence against women innovative levels of coordination and integration must be built up between government, civil society and the family. The state occupies a central position in initiating positive policies to end discrimination against women. In India it was state which initiated the first reform measure when after lot of debate it reformed the Hindu Succession Act in 1956 in which women were given equal right to inheritance. Continuous extensive unconditional financial as well as emotional assistance must be provided to the women by both the formal set-up of the state like legal system, police, medical and health care sectors etc, as well as from the informal networks such as family, friends, fellow citizens, and local community groups. The idea of self reliant independent women taking independent decisions of her life can be achieved only by educating women that will help them in achieving economic in dependence, as well as knowledge and awareness about their rights. Special emphasis must be provided in educating women's on the legal and Human rights provided to them by the constitution¹⁷. A well known feminist writer Martha Nussbaum argued that the key to development of women is to provide them with the cover of justice.

The subsequent official organization under state that deals with the victimized women in India is the Police. Often the crimes against the women go unregistered because of the in sensitive nature of the police in handling those issues. Therefore formal Training and gender sensitization of police a must be done so that there is no consequential oppression of women at their hands. The judiciary which is responsible for providing justice to the aggrieved women should also be sensitized on gender issues. The awareness of judge sand the advocate on the sensitive gender issues is possible only if they are taught about them in law schools¹⁸.

The women's organizations must try to empower women by changing the attitudes of the society towards the harmful traditional practices. One of the most vital tasks of the various women organizations and NGOs is to help women in rebuilding their lives and confidence. These goals can be achieved only if the women are adequately educated about their legal rights and are economically independent enough to take independent decisions of their own life. Such programmers if done within shelter homes can provide both counseling and a connectionamongthewomen'swhowerevictimized¹⁹. Violence against women can be curtailed only when cultural norms and attitudes towards the women can be changed for which change should be made in the school curriculum. Curriculum that educates the students at the school, college and university level on issues like human rights and gender issues should be included in their study material. "Curriculum reform that works towards eliminating the gender stereo typing in schools (teaching about women's contributions in history class, eliminating sex stereo type sin text books, promoting girls participation in sports) are important steps in achieving gender equality²⁰".

The violence against the women in India is often supported and perpetuated by the indigenous cultures and the religious leaders. Therefore the indigenous communities must try to put up mechanisms and strategies that eliminate such age old ruthless practices against the women. The religious leaders and researchers must review the sacred manuscripts and doctrines with an idea of to encourage egalitarianism and self-respect for women.

Conclusion :-

Thus in short, the Millennium Development Goal on gender equality and women's empowerment can be

realized in India only when the traditional practices like female infanticide, dowry deaths, honor killings by khammp panchayats, domestic violence, or sexual abuse is eliminated. It is only then that gender equality and women's empowerment can become reality.

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Gender Justice in Respect to Female Child's Rights of Property under Muslim and Hindu personal law

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ABSTRACT :-

India is a state governing different religious in the absence of a common civil code by their personal laws. Whereas Succession or in heritance law is a matter of personal laws. Which is imposed the person concerned by personal law. In countries like India, it is the inequality of personal laws that has created a constant gap in the legal rights related to women and the girl child. Although it is universally truth that development of any state depends on securing and making and further strengthening the rights and interests of its women and daughters. In Hindu and Muslim communities related to women, the legal right of inheritance and property is governed by their personal laws. Like Hindu Secession Act, 1956 controls and protects the property rights of Hindu women. Similarly the Muslim Shariyat law 1937 enacts the inheritance rights of Muslim women. There are two major branches of property rights in Hindu law, Mitakshra and Dayabhag. The division of property rights in Hindu law are regulated by these two branches. The all family affairs of both school of Muslim Law are regulated through the Quran, Hahadish, Ijma, despite being regularized by both Sunni & Shia School from the mentioned sources, thereis considerable variation in women's property right. Before 1937, the customary rules of Hindu law did not confer any property rights on women except Stridhan.

The women's right to property act was enacted in 1937, through which the rights of women changed. After independence, the government of India codified and implement many acts related to the property rights of women through which the rights of women were further strengthened. Muslim law lacks codified laws as compared to Hindu law, due to which Muslim women face prejudice in property matters. Even though Muslim daughters already have the right to property but only half the proportion of male counterparts. Therefore, gender neutral law is the need of the time so that the economic and social development of the girl child can be done by eliminating discrimination in the property rights of the girl child and governed by a uniform law.

Key Words : Hindu Secession Act, 1956, Mitakshra and Dayabhag, Stridhan, Quran, Hahadish, Ijma, Uniform law, Stridhan

Introduction :-

India is a state governing different religious in the absence of a common civil code by their personal laws, this means that every religions community or group can practice and follows their own personal laws, such prevalent

law in India is the Muslim law or sharia law, Hindu law, Christian law and Persian law. In Hindu and Muslim communities related to women, the legal right of inheritance and property is governed by their personal laws. Like Hindu Secession Act, 1956 controls and protects the property rights of Hindu women. Similarly the Muslim Shariat law 1937 enacts the inheritance rights of Muslim women. After independence, the government of India codified and implement many acts related to the property rights of women through which the rights of women were further strengthened. Muslim law lacks codified laws as compared to Hindu law, due to which Muslim women face prejudice in property matters. Even though Muslim daughters already have the right to property but only half the proportion of male counterparts. Therefore, gender neutral law is the need of the time so that the economic and social development of the girl child can be done by eliminating discrimination in the property rights of the girl child and governed by a uniform law.

Pre-Islamic position of succession :-

- a) In pre-Islamic Arabia, the system of inheritance was keep property within the individual tribe, to maintain its strength as a fighting force, to preserve the relation between the tribes, to kill the enemy and to be proud of the tribe.
- b) The maternal or uterine relationship lies outside the structure of tribal ties and responsibilities. Female and no agnate (cognate) relatives are excluded.

In the pre-Islamic period, the Arabian family was socially and politically composed of males, those who are able to fight and defend their common property. At the death of families’ parents, the family property was transferred to only to males, according to the principle of proximity: firstly to those on direct line (descendants and ascendants), then to those on the collateral line (full or consanguine brothers and their sons, paternal uncles and their sons, etc.). This structure reflected the strong unity of the familial group conceived as an association able to defend and offend, thus, implying the social alienation of women, children, and all those persons unable to contribute to the common defense effectively¹.

Post-Islamic Position Of succession :-

Holy Quran Said about inheritance That Allah directs you as regards your children's, to the male, a portion equal to that of two females, if only daughters, two or more, their share is two-thirds of the inheritance; if only one, Her share is a half. For parents, a sixth share of the inheritance to each, if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers (or sisters) the mother has a sixth. (The distribution in all cases is) after the payment of legacies and debts. You do not know whether your parents or your children are nearest to you in benefit. These are settled portions ordained by Allah. And Allah is All-knowing, All-wise². The law of succession in Muslim law is constituted according to four primary sources of Islamic law; Quran, Ahadish, Ijma and Qiyas. Muslim law recognizes two types of heirs ’shares and residuary, who are entitled to some share in the property of the deceased. And take part in the assets left after residuary shareholders have taken their shares. The number of shareholders in Muslim law is as follows;

- | | |
|-------------------------|------------------|
| • Husband and Wife | • Son or Sons |
| • Daughter or daughters | • Son’s daughter |
| • Father | • Mother |

- Paternal grandfather
- Grandmother in the male line
- Brother and Sister
- Uterine Sister or brother

Right of inheritance of women & girl child in Muslim Law :-

Under Muslim law, women and men have property rights according to the law of inheritance, but both do not get particular preferential treatment. However, in Muslim law the share of property of men is more than twice the share of property of women. The main reason of this is that women get Maher after marriage, she is also maintained by the husband while her brother is completely dependent on the ancestral property and due to this, Girl share in the property becomes half. Muslim law does not discriminate between the property rights of men and women. Nothing can prevent both girl and boy child to become the legal heirs of inheritable property after the death of ancestor. However, it is generally found that the quantum of the share of a girl heir is half of that of the man heirs.

Muslim law considered that female shall upon marriage receive Maher and maintenance from her husband whereas males has rights only in his ancestral property for inheritance. Also, males have the duty of maintaining their wife and children. The daughter's share in the inheritance is half of the son's share. Keeping this concept in the mind, a women is equal to a half of a man. Although the person from whom she is to inherit, there is no doubt that the gifts is a means of preventing one-third of the Muslim male's share in the succession laws. Because in the Muslim law, the share of succession has been strictly followed. Under Muslim law, daughters have the right to reside in the homes of their parents as well as to maintain them, until they get married.

(i) Property Right of the child in the mother's womb :-

It is necessary for the child growing in the mother's womb to get the right of inheritance, unless he/she is born alive. According to the law, child in fetus is considered equal to a living person. After getting fetus status the ancestral property immediately vest in the child. If due to circumstances the child is not alive from the mother's womb then his/her right in the ancestral property is considered to be automatically terminated by law. In such situation it is presumed by law that the child's succession was not vested in the mother's womb.

(ii) Right of legal ownership to the illegitimate child in the property of guardian :-

Before getting the answer to the question of how the illegitimate or legitimate child will get the ownership of the property in the implemented personal laws, it is also necessary to know that there is a difference between the ancestral property and the property acquired by the parents themselves in relation to inheritance. *Naffis Aara v. Sadakat Ali Khan*³, in this case the Allahabad court observed that even though Muslim law does not make any special provision for maintenance against the father of illegitimate child. But section 125 of Criminal Procedure Code 1973, applicable in India, provides maintenance to illegitimate child, which is contrary to the provisions of Muslim personal law. So the Only reformative feature of Muslim law is that provisions relating to paternity are it extremely liberal⁴.

I. Ancestral Property : The property inherited from father's side or the

Property inherited for four generations is ancestral property. Under the personal law applicable in India, legitimate child has the right to a legal share in the ancestral property by birth. Illegally born child does not have any legal rights in ancestral property in Muslim law.

II. Legally self-acquired property : Property acquired by the father or mother from own personal resources is legally in the category of self-acquired property. Only in the Hanafi school of Muslim law, the illegitimate child has a right to his/her mother's self-acquired property.

In Muslim law, the illegitimate child does not have legal right to inherit the father's ancestral property. Because Muslims jurist believed that the illegitimate does not father. In Muslim law only under the Hanafi School the illegitimate child is entitled to inherit of the mother's property. In the Hanafi School legal mutual right of illegitimate child to inherit property exists between mother and mother's relatives. In *Pavitri v. katheesumma Vaidiaalingum* the court said that Muslim law does not impose any legal right over the natural father of an illegitimate child is not entitled to inherit the ancestral property. According to Muslim law under Hanafi law an illegitimate child is entitled to inherit only from his/her mother or through the mother or through the mother the cognizance the relatives related to the mother is necessary.

Right to property of illegitimate child in Shia Law :-

An illegitimate child does not inherit at all, not even from his mother or her relations, nor do they inherit from him.

(iii) Property right of Muslim divorced women :-

According to Muslim law, it is not considered legal to take or give maintenance to divorced Muslim women. However, the Indian legislature passed the 1986 Act to improve the status of Muslim women, This Act provides reasonable provisions for maintenance, maintenance of children, the amount of Maher, and all the properties given to women within the period of iddat. In the case of divorce the burden for maintenance of Muslim women comes on her father's side after the iddat. If the children of the divorced women are capable of supporting her, then the burden goes to them. The Supreme Court has ruled that in the case of divorce, a Muslim husband must make reasonable provision for the future of the divorced wife, which clearly includes her maintenance. Such reasonable provision extended after the iddat period should be made by the husband under section 3(h) of the Muslim (protection of rights on divorce of women) Act, 1986 within this period, and the liability of the Muslim husband to pay maintenance is not limited to the iddat period.

(iv) Property Right of Muslim widow women :-

Under Muslim law, no widow women has been excluded from the succession. A Muslim widow is entitled to 1/4th of the husband's property after the deceased husband's funeral and legal expenses and debts. However a widow who has children is entitled to 1/8th of the property of the deceased husband. If a Muslim man marries during illness and subsequently dies because of that illness without any recovery or pleasures of marriage, his widow has no right of inheritance.

(v) Property Right of Muslim women in case of having more than one wife :-

Under normal circumstances, a Muslim wife will inherit 1/8th part of the husband's property if there are no children than get only 1/4th part. If there is more than one wife, this share will be reduced to 1/16th part of the entire property. In such circumstances where there is no shareholder in the estate as prescribed by law, there the wife may inherit a higher amount by will.

(vi) Marriage under the Special Marriage Act 1954 :-

Where a Muslim contracts his marriage under the special marriage act, 1954. She/he ceases to be a Muslim for the purpose of inheritance. Accordingly, after the death of such a Muslim, his/her property is not transferred under the Muslim law of inheritance. The succession to the property of such a Muslim is governed by the provisions of the Indian Succession Act, 1925 and the Muslim Law of inheritance does not apply.

3. Right of inheritance of women & girl child in Hindu Law :-

In ancient times, there was a belief in relation to women that “Yatra Naryastu, Pujyante Ramante Tatra Devata” but due to the system of male dominated society, gradually the status of women has changed. Since ancient times, property rights of women were not seen as a legal right but as a religious right. The religious book Mitakshara and Daybhag described in the ancient source of Hindu law, has been codified as Hindu Succession Act, 1956. The heir and succession of the property is managed under this Act which recognized only male as legal heirs. The religion played a major role in the distribution of property in relation to woman in the earlier times. That’s way the law of succession was not codified but with the advent of modern governments, most of the succession laws have been codified and consolidated. After the legislatures codified the property rights of women, The Hindu Succession Act 1956 was passed which protected the property rights of women.

According to The Hindu Succession Act, 1956 section 6 in a joint Hindu family established by Mitakshara law from India, the coparcenary will be Coparcenary in her own right by birth in the same manner as the son will have same right in the property of the coparcenary, like she would have been a son. Section 14 of the Act, stated that any property in the possession of a Hindu women shall be held by her as the absolute owner. Also section 15-16 of this act lays down the general rules of succession in the case of Hindu women. Therefore, after the enacted of the act, 1956, every Hindu women has the right to buy and hold property in her own name as well as retain the property she was received or earned. Women can also get a share of the property of their parents or relatives. It depends on their personal law. Personal law means a law that is applicable to a community like as; Hindu law, Muslim law, Parsi law etc.

3(1) Ancestral Property Right of Daughter :-

According to the Act, 1956 (Amendment 2005) the share of the daughter’s inheritance in the father’s property is equal to that of the sons. This Amendment act, 2005 abolished gender discrimination and provided the following rights :-

- The daughter of a co-share will have the same coparcenary right in the as the son right from birth.
- The daughter will have the same rights in the coparcenary property as if she were son.
- The daughter shall have the same liability in the said coparcenary property as that son.
- A daughter is also given the same amount as a son
- A married daughter had no right to shelter or maintenance in the house of her parents, the same is recovered from her husband. However, a married daughter also has the right of residence if she is being abandoned, divorced or widowed.
- A women has absolute right over any property acquired by her or given to her as gift or will. Provided she is legally major.

3(2) The Hindu Succession Act 1956 :-

On and from the commencement of the Hindu Succession (Amendment) Act, 2005*, in a Joint Hindu family governed by the Mitakshara law, the daughter of a coparcener shall—

- a. by birth become a coparcener in her own right in the same manner as the son;
- b. have the same rights in the coparcenary property as she would have had if she had been a son;
- c. be subject to the same liabilities in respect of the said coparcenary property as that of a son, And

any reference to a Hindu Mitakshara coparcener shall be deemed to include a reference to a daughter of a coparcener: Provided that nothing contained in this sub-section shall affect or invalidate any disposition or alienation including any partition or testamentary disposition of property which had taken place before the 20th day of December, 2004⁵.

Coparcenary share- (Joint-Heirs) :-

According to Act, 1956 that a person who is born in a Hindu undivided family has a right over the ancestral property of the undivided Hindu family, therefore he/she is a coparcenary by birth in the property of that joint family. That is, a person who is born in a Hindu undivided family is the equal heir to that ancestral property⁶.

3(3) Property Right of wife :-

A married woman has absolute right over her personal property. Unless she has gifted it partly or wholly to anyone. The married woman is the sole owner and manager of her assets, whether she has acquired or inherited by her. In case of estrangement according to the status of husband, maintenance is given to the woman gets the share of the husband in the ancestral property of the husband. The legal right to live in her in-laws' house remains. Apart from this, the woman received in marriage has absolute right on STREEDHAN⁷. Such ornaments and jewelry is received by women from the in-laws' side at the time of marriage, she has absolute right on it. Hindu law declares the wife to be the only member of the Hindu undivided family and not the heir, because the wife gets the legal heir on the property through her husband after getting membership in the undivided family. The wife has a right only on the property received from her husband's share, not the entire property of the joint family. In the joint family, if the husband's mother dies, the property will be divided equally among the children of the deceased mother.

4. Conclusion and Suggestion :-

India is a very populous country in which people of different sects reside who were witness by their personal law in matters related to property, marriage, guardianship etc. A large part of this large population of India is of women. Various Acts, rules and regulation passed by the government of India to protect women. Despite the passage of various Acts, rules and regulation passed by the government, there is a social, economic and legal silence-discrimination with women in every community, because the property rights of women have been codified in each statute according to their own religious books. If the Muslim law is seen, then the Muslim law is governed by the Holy Quran and Ahadish, Muslim law is mostly not codified and as result it cannot be strictly enforced by the government. Whereas Muslim women are not so much aware about their rights, they were completely depends on the male society.

Therefore, the codification of Muslim law, especially relating to the property rights of women, appears to be necessary to improve their economic condition. And if Hindu law is taken into account, then only after the 2005,

Amendment Act, Hindu women have got right in their ancestral property. But even today there is no doubt that male are supreme in property matters than females, ultimately, converting this supremacy into equality is the need of the today. In Addition, the individual law of each community also discriminates against women in property matters.

After independence, the government of India codified and implement many acts related to the property rights of women through which the rights of women were further strengthened. Muslim law lacks codified laws as compared to Hindu law, due to which Muslim women face prejudice in property matters. Even though Muslim daughters already have the right to property but only half the proportion of male counterparts. Therefore, gender neutral law is the need of the time so that the economic and social development of the girl child can be done by eliminating discrimination in the property rights of the girl child and governed by a uniform law.

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An Insight Into The Plight Of Indigenous Women Of Canada

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Abstract :-

The paper “An Insight Into The Plight Of Indigenous Women Of Canada” discusses the major problems faced by the indigenous women all over the world, with a specific study to the indigenous women of Canada. The paper aims at introducing the plight of the indigenous women in Canada and the problems they face in different arenas, and how their race and community are treated as reasons to push them backward, sexually assault them and to the worst, deny them their fundamental rights. The paper aims to discuss different evil social factors like racism, white supremacy and the ideology of western superiority and the still ongoing mindset of colonization that had affected the indigenous communities, mostly their women, who have been murdered, went missing, are sexually assaulted and discriminated on the grounds of their color, race and caste.

The paper also links racism to Canadian history which has aspects of colonization which is the major reason behind the assault of indigenous women in Canada. We have addresses authentic peer reviewed articles, have put our time and efforts in reading the reports on “Missing and Murdered Indigenous Women” to provide evidence to support our research paper. We also have facts and data analyzed from their government sites and newspapers to provide a strong base to our research topic. Indigenous people in Canada have been a victim of colonization and racism, which has affected them in a lot of ways. This paper would analyze the topic in three different ways, their colonial and racial history via the effects of residential schools and the process of assimilation which led to cultural genocide and trauma and the effects of racism till date, which has been the main reason behind the discrimination of indigenous women in Canada, in different fields.

European’s Gaze on the Indigenous Culture and Subordination of Indigenous Women :-

Colonial history in Canada was responsible for the racism that exists in the country till date. The European society was patriarchal, this “patriarchal way of treating women” through their intervention in the indigenous culture was in many ways responsible for the discrimination of indigenous women. Indigenous women in Canada experienced a very different role and position in the society, before colonization happened to them. They did not treat someone as inferior to men or someone who was subordinate to men. “In matriarchal societies, such as of the Mohawk, women were honored for their wisdom and vision. Aboriginal men also respected women for the sacred gifts which they believed the Creator had given to them.” (Allen) Basically, before colonization, the indigenous society thought

highly of women as the creator of the Earth and the one who taught men about the medicines and the healing properties of the Earth. When Europeans arrived, they started observing the society and started dismantling their own thoughts of patriarchy towards women, which started affecting their position in the society, and the process of oppression started against the indigenous women, which is the base of our paper. “Sexism, racism, and colonialism have had a negative impact on Aboriginal women's identities, our sense of who we are, and where we belong.” (Bourassa et al. 23) Europeans always that domestication and household was where the women belonged to, and that is why, seeing Indigenous women working and being economically independent amused them.

“Where European women were fragile and weak, Aboriginal women were hardworking and strong; where European women were confined to affairs of the household, Aboriginal women were economically independent and actively involved in the public sphere; where European women were chaste and dependent on men, Aboriginal women had considerable personal autonomy and independence—they controlled their own sexuality, had the right to divorce, and owned the products of their labor.” (Harry 8)

The major reason why European arrival and colonization is stated as the reason behind discrimination of indigenous women is because the Europeans had a patriarchal society, with their women have little or no rights at all. They were subordinates to men, with their major decisions being taken by husbands, as men were considered their “social, legal and political guardians.” (Allen) The advent of Europeans and colonization was an attack on the aboriginal cultures and the position of their women. “The imposition of new values and cultural standards brought about tremendous historical, social and economic changes which, for the most part, were destructive to Aboriginal communities. Their position in the society was productive for economic and cultural expansion, which was destroyed with colonization.

Another product of colonization was the residential schools, opened by the Britishers as a result of their program of assimilation, where their main motive was to destroy the indigenous culture, and languages and assimilate the indigenous people of Canada into their Western culture. In such schools, the indigenous children were inhumanely treated, admitted forcefully, punished for speaking their language and were sexually and physically assaulted. “The victimization of Aboriginal women accelerated with the introduction after Confederation of residential schools for Aboriginal children.” (Allen) The residential schools were the major reasons why many families in the indigenous culture broke down, as the generations that survived residential schools were full of trauma, did not learn the family bonding and the indigenous parenting skills since they were deprived of their own cultures, which began “began a cycle of abuse in Aboriginal communities, with women and children being the primary victims.” (Allen)

When the Indigenous women understood how their power was being reduced with the advent of colonization, they started fighting back. “Cursory studies of indigenous resistance to genocide and colonization indicate that ‘it was women who have formed the very core of indigenous resistance to genocide and colonization since the first moment of conflict between Indians and invaders.’” Indigenous Women in Present Day Canada. (Harry 8)

Victimization of Present-Day Indigenous Women :

Rapes, Sex Trafficking, Intimate Partner, Homicide, Violence and Discrimination.

We cannot say that today, European women are safer but Indigenous women are comparatively victims of domestic violence in Canada. They are victims of intimate partner violence, rapes and discrimination. “First Nation,

Métis and Inuit women in Ontario experience domestic violence, assault, homicide and sexual exploitation at significantly greater rates than other women in the province.” (Auten) When we think of Europeans facing intimate partner violence, we understand that their roots have been that they have taken women as subordinate or inferior beings, thereby forcing their authorities on the women itself. But, talking about Indigenous women and the intimate partner violence that they face, it is because of the rooted colonization and the subjugation of the position of the indigenous women, the trauma of the residential schools and depression that led to drugs, alcoholism and the abuse of the women in the household.

“Colonialism imposed patriarchal attitudes on traditional societies. These views disrupted Indigenous cultures that had long honored and respected women in their balanced roles with men. Attempted assimilation included “the abuses of the residential school system. These schools operated in Ontario for more than 150 years. This system cut generations of youth off from their cultures, values, families and communities. The lingering impact continues to affect families and communities to this day.” (Auten)

The indigenous women face domestic violence because of the rooted patriarchy as a result of colonization.

A survey conducted by the Ontario Native Women’s Association in 1989, found that 80% of Aboriginal women had personally experienced family violence. Fifty-three percent of Aboriginal women who responded to a survey conducted for us by the Indigenous Women’s Collective indicated they had been physically abused. Seventy-four per cent of those women indicated they did not seek help. (Allen) Such women do not tend to seek help because if they complain about domestic violence, they are separated from their children

Not only domestic violence, but Indigenous women are also victims of rapes and discrimination in the country. As we know many indigenous families are mostly poor and unemployed, the indigenous women move to urban cities for employments and survival, where they are trapped into sex trafficking, are raped or even discriminated on the basis of their race in the workplace. “Indigenous people in Canada, especially women, continue to face some of the workplaces' most entrenched hurdles, including bias and discrimination that impact their health, well-being, and ability to progress,” said Vandana Juneja, Catalyst Canada's executive director, in a statement.” (Deschamps) The major problem is, unlike non indigenous women, who only face the problem of being a woman at a workplace, the indigenous women face problems of being a woman and being an indigenous woman. “Canada’s colonial legacy has forced Indigenous women and girls into dangerous and precarious social and economic conditions, which in turn has made them more vulnerable to different kinds of violence.” (Rudometkina and Wakeford 3) Sex trafficking is one more in the list of issues that indigenous women are facing and being forcefully trapped into. High rates of poverty, physical and sexual abuse, homelessness are some reasons why they fall into such traps.

Also, the less access to education, employment, and better medical and health facilities make them vulnerable. “In 2002, Pauktuutit Inuit women of Canada reported the existence of 40+ cases of Inuit women being trafficked through Ottawa alone. 11 Inuit women’s specific experiences with colonization and forced displacement has created conditions wherein they are particularly vulnerable to girls being trafficked.” (Rudometkina and Wakeford 5). The worst crime against indigenous women is homicide. Many indigenous women are murdered in Canada. Indigenous women are being murdered and are missing. “In Canada, official statistics have consistently documented at the national level what is highlighted above in the Intimate Femicide in Ontario study: Indigenous women are significantly

more likely to be killed by male partners than non-Indigenous women in Canada.” (Murdered and Missing Indigenous Women and Girls) Our next step is to learn about the homicide and the murdered and missing indigenous women of Canada.

National Inquiry into Missing and Murdered Indigenous Women and Girls and The Sisters in Spirit Campaign Not only are the indigenous women murdered, but there are facts that represent that many indigenous women go missing as well. An initiative to raise awareness against the violence meted out on the indigenous women, Sisters in Spirit Campaign has been a boon for the families of the missing and murdered indigenous women of Canada. It is an educational, research and policy initiative that is run by Indigenous women for the victimized indigenous women. It is funded by the Status Women of Canada.

The inquiry initiative enlightened the plight of indigenous women, which was then joined by the Royal Canadian Mounted Police, who investigated the treatment, homicide and missing reports of indigenous women. “After repeated calls for an inquiry into the treatment of Indigenous women and girls, the Canadian government launched the National Inquiry into Missing and Murdered Indigenous Women and Girls in 2016.” (“Murdered and Missing Indigenous Women and Girls”) So basically, we do understand that it took a good number of years for the Canadian government to realize what their colonization and racism had done to the indigenous women. “A National Inquiry on Missing and Murdered Indigenous Women and Girls in 2019 concluded that the violence “amounts to a race-based genocide of Indigenous Peoples” that especially targets women, girls and members of the LGBTQ2S+ community.” (US, Canada commemorate missing and murdered Indigenous Women). Below are only two gruesome stories of how indigenous women went missing, posted from the news website of Al Jazeera.

- In 1971, Jean Virginia Sampare, or Ginny as her family called her, was a typical 18-year-old; the second-eldest of six siblings. The shy but strong-willed teenager lived in Gitsegukla, a Gitxsan reserve of about 500 people

that sits at the confluence of the Kitsequecla and Skeena rivers - and parallel to Highway 16. (Morin)

- On the evening of October 14, 1971, Jean was hanging out with her cousin Alvin near a bridge on Highway 16, just outside Gitsegukla. It was a cool autumn evening, so Alvin rode his bicycle back to his home a few minutes away in the reserve to get his jacket. He told Jean he wouldn't be long. But when he returned, Jean was gone. She hasn't been seen for over 50 years. (Morin)

These are just a few images of indigenous women who has been a victim of rape, homicide and then went missing, with

CANADA
Missing and murdered women and girls
 Advocates say more than 50 women and girls have gone missing or been murdered on or near Highway 16. An RCMP task force lists 18 cases.

 Gloria Moody, 26 INDIGENOUS Last seen in October 1969. Body found in October 1969.	 Micheline Pare, 18 Last seen in July 1970. Body found in August 1970.	 Gale Ways, 19 Last seen in October 1973. Remains found in April 1974.
 Pamela Darlington, 19 Last seen in November 1973. Remains found in November 1973.	 Monica Ignas, 14 Last seen in December 1974. Remains found in April 1975.	 Colleen Macmillen, 16 Last seen in August 1974. Remains found in September 1974.
 Monica Jack, 12 INDIGENOUS Last seen in May 1978. Remains found in June 1995.	 Maureen Mosie, 33 Last seen in May 1981. Remains found in May 1981.	 Shelley-Anne Bascu, 16 Last seen in May 1983.
 Alberta Williams, 24 INDIGENOUS Last seen in August 1989. Body found in September 1989.	 Delphine Nikal, 16 INDIGENOUS Last seen in June 1990.	 Ramona Wilson, 16 INDIGENOUS Last seen in June 1994. Body found in April 1995.
 Roxanne Thiara, 15 INDIGENOUS Last seen in July 1994. Remains found in August 1994.	 Alisha Germaine, 15 INDIGENOUS Last seen in December 1994. Body found in December 1994.	 Lana Derrick, 19 INDIGENOUS Last seen in October 1995.
 Nicole Hoar, 25 Last seen in June 2002.	 Tamara Chipman, 22 INDIGENOUS Last seen in September 2005.	 Aielah Saric, 14 INDIGENOUS Last seen in February 2006. Body found in February 2006.

not even the whereabouts of their dead bodies. Shocking, isn't it? However, the Canadian government is working towards bringing justice to the missing and murdered Indigenous women by building a National Action Plan to address the interrelated systemic inequities for Indigenous women, girls. The Prime Minister of Canada, Justin Trudeau, has stated, "The Federal Pathway is our contribution to the National Action Plan that will work to end the systemic racism, sexism, ableism, and economic inequality that has perpetuated violence against Indigenous women and girls, and 2SLGBTQQIA+ people for far too long." ("Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People")

We have thereby understood how colonization and white supremacy has resulted into racism, sexism and discrimination that affects the indigenous women. They have been a part of the culture that respected their existence, and now, with more of a patriarchal society and white supremacist Western civilization, the process of assimilation and the trauma of residential schools, they have been separated from their culture, have been drowned into poverty and unemployment, and have been into more of abusing and targeting their own women and children. They are victims of discrimination, homicide, rapes, sex trafficking, and the worst, they go missing and no one knows where. But the Canadian government has been trying to do their best to end their systematic racism and discrimination through campaigns and investigations like the National Inquiry into Missing and Murdered Indigenous Women. Stronger laws are being made for ending racism in the workplace as well.

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WEAKER SECTIONS OF INDIAN SOCIETY AND THEIR UPLIFTMENT THROUGH INDIAN CONSTITUTION

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Abstract :-

In a democratic world, political freedom is meaningless without socio-economic freedom. Socio-economic freedom means providing economic justice, active participation with the reserved share for the upliftment of socially and economically backward classes including religious minorities through the schemes by the governmental and non-governmental organizations.

The ancient history of India describes very well the miserable condition of the weaker section. In ancient times the condition of the weaker section was comparatively more serious. This section of the society was backward in every field in every way and it was exploited in many ways. Their condition was so pathetic that it seemed an unimaginable fantasy to think of this class for living the life of a civilized human being in a civilized society. This section of the society, whether it be social, educational, political, seemed to be extremely backward, oppressed and oppressed from the point of view of justice. The Constitution of India provides that no person should be discriminated against, based on race, sex, caste, and religion. The Indian Constitution guarantees equal status and opportunity to all citizens.

Introduction :-

At the time of drafting the constitution, the makers faced many challenges; first, India is a caste-ridden society, thus entire population divided into sections/ communities; second, the makers have to safeguard and protect different religions, cultures, and languages of different sections of society and third, removing discrimination (it is the major reason for social suffering by weaker sections). The framers of the Constitution envisaged the principle of equality. Also, focused upon the development and welfare of the citizens in general. So that, every individual is at the same pace, resulting in the development of the nation. Thus, many amendments have been passed since the constitution came into effect to uplift the weaker section of the society.

The present form of India is the result of many efforts that this weak, backward, deprived section of the society has been able to move towards living a dignified life today. The Constitution of India has given them the right to live this dignified life as a guarantee as provided in Articles 14 15 and 16.

The Indian society and weaker sections of the society :-

India is a caste-ridden society, where the majority of the population faces social inequality at some of the other points. From the beginning, social and educational inequalities can be found in society. For example, brahmins are considered to be the higher caste because they are advanced economically, educationally, and socially. Also, the zamindars were socially, economically, and educationally strong, the rest of the people working in the field or working for them were considered to be the weaker section/ backward class. As of now, India is working to fill the gaps between the powerful and the weaker sections of society. Through implementing different government and non-government schemes.

What are weaker sections of society?

The term weaker section refers to a section of the population that is socially, economically, and politically behind the other sections of the population and has been experiencing various forms of disabilities as a result of their backwardness. The Government of India Act, 1935 defines “weaker sections” as class or classes of people who are suffering from educational and economic backwardness, as well as some aspects of social life, due to traditional customs of untouchability, tribal background, tribal way of life or other backwardness. Different resolutions of the Indian government have divided the weaker groups into three main categories :

1. Scheduled castes
2. Scheduled tribes
3. Other backward classes
4. Economically weaker section

But this list is not exhaustive. Women, aged persons, disabled, sexual minorities are also deprived of the benefits and they are ill-treated. Thus, weaker sections that face discrimination include- women, scheduled castes(SC), scheduled tribes (ST), children, disabled, aged, poor migrants, sexual minorities, people suffering from HIV/AIDS, and other backward classes. The Constitution has provided provisions not only for SC/STs, backward classes but also for the other weaker sections of society.

Constitutional provisions for the protection of weaker sections :-

Constitutional makers have provided different safeguards in the Constitution of India for the upliftment and protection of the weaker section of the society. They are as follows :

- Article 14 of the constitution provides for the equal protection of law and equality before the law. Therefore, irrespective of class every citizen has the right to be treated equally before the law.
- Article 15 prohibits discrimination based on disability, restriction, or the grounds of castes, religion, sex, or place of birth. Whereas nothing in this article will prevent the state to make special provisions and arrangements for the betterment of:
 1. The children and women [Article 15(3)].
 2. Socially and economically backward classes/ scheduled castes/ scheduled tribe [Article 15(4) & Article 15(5)].
 3. 10% reservation for economically weaker section [103rd amendment]
- Article 16 provides equal opportunities to all citizens in matters of employment or appointment of any

office under the state. States can make special provisions related to the reservation, appointment for the backward classes, and the state has the authority to decide whether the person falls in the definition of backward classes. This provision helps to strengthen the weaker section in monetary terms. Article 16 (6) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any economically weaker sections of citizens other than the classes mentioned in clause (4), in addition to the existing reservation and subject to a maximum of ten per cent :

- Article 17 abolishes untouchability and it is a punishable offence under the Protection of the Civil Rights Act, 1955.
- Article 19(5) provides that the state is allowed to restrict freedom of movement for the benefits of the Scheduled tribe.
- Article 21 provides that every person is entitled to the right to life and personal liberty except the procedure established by law. Irrespective of the castes, sex, religion, or place of birth everyone is entitled and they can't be deprived of his life.
- Article 21A provides that all children between the age of 6 to 14 years are entitled to free and compulsory education.
- Article 46 under the Directive Principles of State Policy provides that the State must promote the educational and economic interests of the scheduled castes, scheduled tribes, and the weaker sections of the society with due care. Also, the state must protect the SC, ST & weaker sections from exploitation and social injustice.
- Part XVI of the Constitution deals with special provisions relating to certain classes. This part provides political empowerment to the scheduled castes, scheduled tribes, and other classes. Article 330 and Article 332 reserve seats for scheduled castes and scheduled tribes in the house of people and legislative assemblies of the state respectively. National Commission for scheduled castes and scheduled tribes have been established under Article 338 and Article 338A respectively.
- Article 340 provides that the president has the authority to investigate the condition of socially and economically backward classes through appointing a commission to investigate.

Statutory provisions for the upliftment and development of the weaker section :-

Statutory provisions for the upliftment and betterment of the scheduled castes, scheduled tribe, and the backward classes are :

Scheduled Castes :-

Protection of Civil Rights Act, 1955 -

Because many untouchables began to feel deprived and lonely due to the practice of untouchability, the concept of equality in terms of untouchability was adopted under the Protection of Civil Rights. This Act exclusively covers the penalties that protect untouchables from discrimination. These provisions have contributed to reducing the gap between the upper and lower castes. It gives lower-caste persons the ability to exercise their rights and live a normal life alongside everyone else.

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 -

The Act was established to protect the marginalized communities against discrimination and atrocities. The Act prevented SC/ST from social disabilities and aimed to give a life of dignity, self-esteem, and life without fear, violence, and suppression from dominant communities.

National Commission of Scheduled Castes :-

The commission was established with the goal to protect Scheduled Castes and Anglo Indian communities from exploitation and promoting and protecting their social, educational, economic, and cultural interests. The National Commission for Scheduled Castes is governed by Article 338 of the Indian Constitution. The National Commission for Scheduled Tribes is dealt with in Article 338A.

Schemes :-

Scheduled castes suffer extreme social and economic backwardness due to the practice of untouchability. The government has implemented schemes for social, educational, and economical empowerment of the scheduled tribes. For example, the Scheme of Upgradation of Merit of SC Students was established to upgrade the merit of SC students in class 9th to 12th by providing educational facilities.

Schedule Tribes :-

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 -

The Act protects the marginalized section of society against discrimination and atrocities. The act mentions various patterns of behaviour inflicting offences that break the self-esteem of the SC/ST. It includes denial of economic, social, and democratic rights, discrimination, and exploitation. Also, the Act establishes special courts and special public prosecutors to deal with offences against SC/ST.

The National Commission of Scheduled Tribes -

The commission was established to safeguard the interest of scheduled tribes, promote socio-economic development and oversee various implementation of provisions in the interest of scheduled tribes under the constitution or any other law for time being in force. It is a constitutional body inserted by the 89th Constitutional Amendment Act under Article 338A.

Schemes :-

The government is committed to the welfare and ensuring equal opportunities in education and employment for scheduled castes and scheduled tribes. Various schemes have been implemented particularly for the upliftment of scheduled tribes. For example, the National Overseas Scholarship for Scheduled Tribe Students, this scheme provides financial assistance on merit to ST students for pursuing higher studies in foreign universities.

Other Backward Classes :-

The National Commission for Backward Classes Act, 1993 -

The Act lays down the remedy for protection and upliftment for the socially and educationally backward classes. The National Commission for Backward Classes was set up under the act. The commission is an outcome of Indra Sawhney & Ors v. Union of India(1992). The purpose of the commission is to bring social equality to society.

The National Backward Classes Finance and Development Corporation -

NBCFDC is a non-profit organization regulated by the Ministry of Social Justice and Empowerment. NBCFDC works for the welfare of backward classes and promotes economic and developmental activities for the benefits of backward classes. Also, provides financial assistance to eligible backward classes for self-employment ventures and skill development training

The possible future of the weaker sections of the society -

It is the constitutional duty to protect the socially and economically weaker sections of society. The central and the state government are working endlessly for the development and upliftment of the weaker sections. In 2018, the 102nd Amendment Act gave constitutional status to the national commission for the backward classes; in 2019, the 103rd Amendment Act provided 10 % reservation for the economically weaker sections of the society; and in 2020, the 104th Amendment Act extended the reservation of seat for scheduled castes and scheduled tribes in Lok Sabha and state assemblies. Regardless of the preferential treatment given to the socially, educationally, and economically backward classes, a large part of India continues to remain backward.

Preferential treatment must be continued to raise the weaker sections from the backwardness. The constitution has provided many provisions regarding the upliftment of the weaker sections, and they have been utilizing the opportunities provided to the fullest. The weaker sections are combating all the educational and economic barriers faced by them but few are still suffering and the Covid pandemic has worsened the situation. Not only for the economically weaker section but also the general public. The nationwide lockdown imposed by the government has impacted the right to livelihood- to earn the basic necessity of life enshrined under Article 21. These restrictions have especially impacted the weaker sections to earn necessities of life. Therefore, it is the constitutional duty of the state to protect the weaker sections of society.

Conclusion :-

Over the past years, the government has effectively worked to protect, promote and uplift the weaker sections of the society and measures have been taken to fill the gap between the weaker populations and the remaining population. The empowerment of weaker sections of society has become an important point of discussion for politicians, policymakers, socialists, etc. Strengthening of the weaker sections involves social, educational, economic, and political strengthening. The state must be exceptionally careful while implementing the provisions related to instructive and monetary upliftment of the weaker population.

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CYBER SPACE AND WOMEN

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“As the world is increasingly interconnected, everyone shares the responsibility of securing Cyber space”
-Newton Lee

ABSTRACT :-

With the growing influence of the internet, mobile information and social media along with our lives being immensely mixed with online media has given rise crimes relating to cyberspace. These cybercrimes have drastically affected the rights and dignity of women. Cybercrimes against women are on the rise and women have been drastically victimized in the cyberspace. The revealing of personal information has made women more a casualty of cybercrime. It is evident that victimization of women is leading to cybercrime and vice versa.

The paper discusses the major reasons for the growth of cybercrimes against women in the world, especially India. This paper also recognizes the common types of cybercrimes against women, such as cyber stalking, cyber spoofing, cyber pornography, online harassment, circulating images or video recordings of females becoming involved in intimate acts, morphing, sending obscene or defamatory messages or e-mails, blackmailing or threatening, trolling or bullying and impersonation. The paper also attempts to find out the various reasons behind the fact as to why women are also often blamed for the cybercrime happening on them. The paper also discusses and critically evaluate the laws relating to these cybercrimes along with the work the judiciary has done in protecting women against the cybercrimes. This paper will also recommend the way forward that is required to be taken up in order to curb cybercrimes against women.

Keywords : Women, Cybercrime, Victimization, Cyberspace, Cyber stalking, Morphing, Judiciary, Personal information.

INTRODUCTION :-

“In present scenario one cannot think of world without technology especially Information technology and the platform of social media of internet. Information Technology solutions have paved a way to a new world of internet, business networking and e-banking, budding as a solution to reduce costs, change the sophisticated economic affairs to easier, speedy, efficient, and time saving method of transactions. Internet has revolutionized technology and communication like never before. With a worldwide broadcasting capability, it has transformed the lives of billions of people, especially women. It’s a vital link to ideas, opportunities and resources. It also paves the way for women all over the world to imagine new possibilities and make them happen. Just like all other technological advancements, it is still a matter of debate as whether Internet is a boon or a bane. The extent of its use and abuse

is also upon us. Not the internet itself, but rather it is the content of media available online which can be demeaning towards women. There is a need to approach a middle path wherein, awareness concerning both its harmful effects and potential is realized, acknowledged and worked upon in a more constructive manner.

Various criminals like hackers, crackers have also found ways and measures to interfere with the internet accounts and have been successful in gaining unauthorized access to the user's computer system and stolen useful data. Common types of cybercrime include identity theft, ransom ware and denial of service attacks. Organizations can help thwart attacks through services such as email protection, business continuity and data archiving, as well as employee training.

The most common cybercrimes committed against women during the pandemic are Cyber Stalking, Sextortion, Cyber Hacking, Cyber Bullying, Sexual Abuse (including sexually explicit and pornographic content against the victim), Cybersex Trafficking, and Phishing. And among the various cyber crimes committed against an individual, crimes like harassment, cyber-stalking, cyber pornography, defamation, and image morphing are especially targeted towards women. Despite its advantages, internet is unsafe for women and children too. From privacy data breach to gender-based hate speech to sexual harassment, women continue to face abuse Online. There has to be a necessary system to ensure safety.

And due to steep rise in cyber crime against women and children the Scheme for Cyber Crime Prevention against Women and Children (CCWC) has been formulated by the Ministry of Home Affairs to have an effective mechanism to handle cybercrimes against women and children in the country. In spite the safety measure an unfortunate number of women are becoming victims of cyber crimes. The growing reach of Internet sometimes puts women at risk, so it's important to be mindful of the dangers. Working together to generate new discussions and interventions can help make the internet a more inclusive and welcoming space. Freedom is necessary and so is protection. Ensuring a law-enforcement system that is going to assist and bring safety back is the need of the hour.

CYBER, CYBER SPACE AND CYBER SPACE INTERNET : MEANING :-

"Cyber" is a prefix used to describe a person, thing, or idea as part of the computer and information age. Taken from 'kybernetes' Greek for "steersman" or "governor," it was first used in Cybernetics, a word coined by Norbert Wiener and his colleagues. Common usages include cyber culture, cyberpunk, and cyberspace. Cyberspace refers to the virtual computer world, and more specifically, an electronic medium that is used to facilitate online communication. The literal meaning of cyber space is the notional environment in which communication over computer networks occurs. The appropriate definition of cyberspace is the environment of the Internet. An example of cyberspace is the home of Google, Yahoo and Facebook etc. Even though cyberspace isn't a real place, there are pieces of it everywhere. The computers you connect to when you surf the Internet can be anywhere in the world. Of course, that means they can also be in the building right next to you, too.

Cyberspace, amorphous, supposedly "virtual" world created by links between computers, Internet-enabled devices, servers, routers, and other components of the Internet's infrastructure. As opposed to the Internet itself, however, cyberspace is the place produced by these links.

ADVANTAGES, DISADVANTAGES AND PROBLEMS OF CYBER SPACE :-

The advantages of Cyberspace are like Informational resources (It is a virtual library of information), Communication (in the past, communicate with someone who isn't in the same room as you, you would have to call them on a phone), Social networking, Entertainment and Opportunities.

And the disadvantages of Cyberspace are like Security (If you use the Internet for online banking, social networking or other services, you may risk a theft to your personal information such as name, address, credit card number etc), Virus attacks Cyber crimes etc. Cyberspace has been faced many security challenges like identity tracing, identity theft, cyberspace terrorism and cyberspace warfare. In this paper, we focus on analysis these security challenges, and give some possible solutions offered by law and technology.

CRIMES AGAINST WOMEN IN INDIA :-

Indian civilization is one of the oldest civilizations of the world. Women in our country are been given special status. They are been treated as Goddess. But with the modernization of the society their basic right are been violated. India is growing fast in the field of information technology. People are dependent on computers for their day today activities. Year 2000 was marked as a year of revolution in the field of technology. With the massive use of computers cybercrime is also increasing. Moreover women are the major victims of cybercrime in our country. Cybercrime is a new kind of crime. There are various kinds of cybercrime like cyber stalking, morphing and cyber defamation. Females are been harassed by Emails. They face the problem of cyber bullying which is very common now a day. We have Information technology Act 2000 to curb such kind of crimes but that law in itself is not very effective until people change their mindset.

From the ancient time women are treated as Goddess. They hold a special status in the society. Even though they are having a unique place in the society they are also one of the most vulnerable groups of the society. The makers of the constitution were equally concerned about the well being of the women therefore various rights are given to them as a part of fundamental rights. The penal laws are also present for protecting the dignity of women. With the changing time the crime against women is also changing. Crime is not only limited to bodily injury now a day. In the name of freedom of speech and expression people are transmitting obscene content and tarnish the reputation of women. Cybercrime is one of the most recent kinds of crime against women Cybercrime consists of illegal activity conducted on a computer. Traditional crimes may be committed while using a computer, but cybercrime consists of more specific types of crimes, such as phishing schemes and viruses. India emerged as the third most vulnerable country in terms of risk of cyber threats such as malware, spam and ransom ware in 2017. Cybercrime is entirely different from the traditional crimes. With the emergence of technology which is for the betterment of the society is creating more problems especially for women. We can see the cases of cyber trolling on social media, harassment from E-mails etc. as one of the aspect of cybercrime against women. India has also made a separate law for the prevention of cybercrime against women. Information Technology Act 2000 tries to prevent the cybercrime against women effectively.

MEANING AND ORIGIN OF CYBERCRIME :-

Cybercrime in broader sense means any illegal behavior by means of, or in relation to a computer system or network including such crimes as illegal possession and offering or distributing information by means of computer system, Cybercrime first started with hackers trying to break into computer networks. Some did it just for the thrill

of accessing high-level security networks, but others sought to gain sensitive, classified material. Eventually, criminals started to infect computer systems with computer viruses, which led to breakdowns on personal and business computers. With the advent of computers in the late 1960's, crimes were mostly related to physical damage to computer networks and telephone networks. Computer viruses are forms of code or malware programs that can copy themselves and damage or destroy data and systems. When computer viruses are used on a large scale, like with bank, government or hospital networks, these actions may be categorized as cyber terrorism. Computer hackers also engage in phishing scams, like asking for bank account numbers, and credit card theft. Hacking is a term used to describe the activity of modifying a product or procedure to alter its normal function, or to fix a problem. The term purportedly originated in the 1960s, when it was used to describe the activities of certain MIT model train enthusiasts who modified the operation of their model trains. They discovered ways to change certain functions without re-engineering the entire device. The malicious association with hacking became evident in the 1970s when early computerized phone systems became a target.

This innovative type of crime was a difficult issue for law enforcement, due in part to lack of legislation to aid in criminal prosecution, and a shortage of investigators skilled in the technology that was being hacked. It was clear that computer systems were open to criminal activity, and as more complex communications became available to the consumer, more opportunities for cybercrime developed. International obligations against Cybercrime - Cybercrime investigations invariably involve considerations of privacy under international human rights law. Countries reported the protection of privacy rights in national law, as well as a range of limits and safeguards on investigations. As many as 39 crimes against women were reported every hour in India, up from 21 in 2007, according to Crime in India 2016 report by National Crime Records Bureau. As many as 2.5 million crimes against women have been reported in India over the last decade. Reported cases of crime against women increased 83% from 185,312 in 2007 to 338,954 in 2016.

India is the world's most dangerous country followed by war-torn Afghanistan and Syria for women due to the high risk of sexual violence, according to a poll of global experts. Budapest, 23/11/2001 - The Convention is the first international treaty on crimes committed via the Internet and other computer networks, dealing particularly with infringements of copyright, computer-related fraud, child pornography and violations of network security. It also contains a series of powers and procedures such as the search of computer networks and interception. Its main objective, set out in the preamble, is to pursue a common criminal policy aimed at the protection of society against cybercrime, especially by adopting appropriate legislation and fostering international cooperation. At the international level, the Convention on Cybercrime, 2003 is the first and still the only convention, which seeks to address internet, and computer related crimes by securing international cooperation among member states and harmonizing national laws on cybercrimes and improving investigative techniques. Though the Convention is an endeavor of the European Union and most of the ratifying countries are European, many non-European countries have ratified the same, including the USA, Canada, Japan, Australia, South Africa, even Sri Lanka etc.

India is yet to ratify the Convention. Ratifying this Convention will help the country to improve and harmonize the national legislations relating to cybercrimes with the international standard and will facilitate India and its authorities to have easy access to international authorities to deal with cybercrimes effectively and confidently.

VARIOUS KINDS OF CYBER CRIME AGAINST WOMEN :-

Amongst the various cyber-crimes committed against individuals and society at large, crimes that are specifically targeting women are as follows :-

1. Cyber-stalking.
2. Harassment via e-mails.
3. Cyber Bullying
4. Morphing.
5. Email spoofing.
6. Cyber Defamation.
7. Trolling and Gender Bullying

TYPES OF CYBERCRIME THAT ARE COMMITTED AGAINST WOMEN :-

CYBER STALKING _

Cyber stalking is one of the most talked about net crimes in the modern world. The Oxford dictionary defines stalking as "pursuing stealthily". Cyber stalking involves following a person's movements across the Internet by posting messages (sometimes threatening) on the bulletin boards frequented by the victim, entering the chat rooms frequented by the victim, constantly bombarding the victim with emails etc. Cyber Stalking usually occurs with women, who are stalked by men, or children who are stalked by adult predators or pedophiles. Typically, the cyber stalker's victim is new on the web, and inexperienced with the rules of netiquette & Internet safety. Their main target of this is Over 75% of the victims who are female.

HARASSMENT THROUGH E-MAILS -

Harassment through e-mails is not a new concept. It is very similar to harassing through letters. Harassment includes blackmailing, threatening, bullying, and even cheating via email. E-harassments are similar to the letter harassment but creates problem quite often when posted from fake ids the motives behind cyber stalking have been divided in to four reasons, namely, for sexual harassment, for obsession for love, for revenge and hate and for ego and power trips. Cyber stalkers target and harass their victims via websites, chat rooms, discussion forums, open publishing websites (e.g. blogs and Indy media) and email. The availability of free email and website space, as well as the anonymity provided by these chat rooms and forums, has contributed to the increase of cyber stalking as a form of harassment.

CYBER BULLYING -

Today, people all over the world have the capability to communicate with each other with just a click of a button and technology opens up new risks. Cyber bullying is the use of Information Communications Technology (ICT), particularly mobile phones and the internet, deliberately to upset someone else . Cyber bullying is “willful and repeated harm inflicted through the use of computers, cell phones or other electronic devices, by sending messages of an intimidating or threatening nature.” Globally, India is third behind China and Singapore in cyber bullying or called online bullying . Cases of suicides linked to cyber bullying have grown over the past decade.

MORPHING -

Morphing is editing the original picture by an unauthorized user. When unauthorized user with fake identity downloads victim's pictures and then uploads or reloads them after editing is known as morphing. It was observed that female's pictures are downloaded from websites by fake users and again reposted/uploaded on different websites by creating fake profiles after editing them. This amounts to violation of I.T. Act, 2000. The violator can

also be booked under IPC also for criminal trespass under Section 441, Section 290 for committing public nuisance, Section 292-A for printing or publishing grossly indecent or scurrilous matter or matter intended to blackmail and under Section 501 for defamation.

EMAIL SPOOFING -

A spoofed e-mail may be said to be one, which misrepresents its origin [Legal India]. It shows its origin to be different from its actual source. E-mail spoofing is a popular way of scamming online Email spoofing is a term used to describe fraudulent email activity in which the sender's address and other parts of the email header are altered to appear as though the email originated from a known or authorized source. By changing certain properties of the email, such as its header, from, Return-Path and Reply- To fields etc., hostile users can make the email appear to be from someone other than the actual sender.

CYBER DEFAMATION -

Cyber tort including libel and defamation is another common crime against women in the net. Although this can happen to both genders, but women are more vulnerable. This occurs when defamation takes place with the help of computers and/or the Internet when someone publishes defamatory matter about someone on a website or sends e-mails containing defamatory information to all of that person's friends.

TROLLING AND GENDER BULLYING -

The two most under- researched issues in the arena of cybercrime against women in India are gender bullying and trolling. On the internet women are targeted are targeted by bullies as much as young teenagers are targeted by bullies. Compared to cyber bullying trolling is a new phenomenon in India. Trolls basically divert the focus of publication. The troll posts are essentially provocative posting intended to produce a large volume of frivolous responses. Crime against Dignity of Women Article 19 (1) (a) of the constitution provides fundamental right to speech and expression. This right is not absolute and is subject to reasonable restrictions that are mentioned under Article 19 (2). The Information Technology Act 2000 after its amendment in 2008 has provided for such reasonable restrictions. These are in the form of powers granted to central or state Governments to issue directions for interception, monitoring or decryption of any information through any computer source located in India. Offensive speech against women the advent of the internet has expanded the reach of freedom of expression for millions of internet users. Information wants to be free and the internet fosters speech and expression for providing basic right.

In Neelam Mahajan Singh Vs Commissioner off Police on the question of the balance between freedom of speech and expression and public decency it was held that we need not to attempt to bowdlerize all literate and thus rob speech and expression. A balance should be maintained between freedom of speech and expression and public decency and morality but when the latter's is substantially transgressed the former must give way. In Ritu Kohli Case the perfectly normal married life of Ritu Kohli, New Delhi turned upside down, when she started receiving a number of emails from an unknown source. Initially she ignored the mails. . Stalker used obscene and obnoxious language, and posts her residence telephone number and other personal details on various websites, inviting people to chat with her on the phone. As a result, she started receiving numerous obscene calls at odd hours from everywhere, and then she got alarmed. Distraught, Kohli lodged a police complaint. Fortunately Delhi police immediately sprang into action. They traced down the IP address (Internet Protocol address) of the hacker to a

cyber cafe.

The cyber stalker- Manish Kathuria, later got arrested by the Delhi police and was booked under Section 509 of the IPC, 1860 (Indian Penal Code) for outraging the modesty of a woman and also under the IT Act (Information Technology Act) of 2000. The case highlighted here is the first case of cyber stalking to be reported in India. Cyber stalking nowadays become a serious issue and victims should immediately inform the police. The Police can trace the accused by tracking the IP (internet protocol) address of the system that is used for the criminal activity. Infringement of right to Privacy The display of information in cyber world has a close nexus to right to privacy. Now a day's internet has become a vital communication medium and people use their freedom of speech and expression guaranteed under the Indian Constitution. But this freedom is not absolute therefore changes are done in the IT Act also.

In *Shreya Singhal vs Union of India* (2015) the Court struck down Section 66-A of the IT Act, 2000 in its entirety holding that it was not saved by Article 19(2) of the Constitution on account of the expressions used in the section, such as "annoying," "grossly offensive," "menacing," "causing annoyance. Apart from not falling within any of the categories for which speech may be restricted, Section 66-A was struck down on the grounds of vagueness, over-breadth and chilling effect. Penal Provision on Cybercrime Against Women in India The Indian Penal Code, 1860 provides for various offences against women. (i) Obscenity- Provision relating to obscenity has been included in Section 292-294 of the Indian Penal Code, 1980. They deal with sale, hire, distribution, public exhibition, circulation, import, export or advertisement etc. of many matters which is obscene. Section 292 and 293 IPC were amended in 1969 to make the existing laws more definite in explaining the term obscenity. In order to make the law relating to publication of obscene matters deterrent, the section provided enhance punishment.

According to Section 292 of Indian Penal Code, 1860 (a) For the purpose of sub-section (2) book, Pamphlet, Writing, Drawing, painting, representation, figure or any other object, shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items the effect of any one of its item is if taken as a whole, such as to tend to deprave and corrupt person who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it. whoever sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation, makes produces or has in possession any obscene book, pamphlet, paper, drawing, painting representation or figure or any other obscene object, whatsoever or (b) Imports, exports or convey any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation or. (c) Take part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the Sub-section (2) of that section purpose aforesaid, made, produced, purchased kept imported, exported, conveyed, publicly exhibited or in any manner put into circulation. (d) Advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section or that any such obscene object can be procured from or through any person Section 293 of the Indian Penal Code, 1860 provides for Sale, etc of obscene objects to young person Section 294 of the.

Insult to Modesty Section 509 of the Indian Penal Code applies to all women. Law Outraging the Modesty

Section 354 of the Indian Penal Code provides for outraging the modesty According to this section ?whoever assaults or uses criminal force on any women, intending to outrage or knowing it to be likely that he will thereby, outrage her modesty, shall be punished with imprisonment or either description for a term which may extend to two years, or with fine, or with both. Information Technology Act 2000 is known as the Cyber law of India. It is India's mother legislation, regulating the use of computers, computer system, computer networks, communication devices as also data and information in electronic format. This legislation has touched various aspect of crime like cybercrimes and liability of network providers. The said Act was amended in the year 2008. Due to amendment all kinds of cell phones, phones, tablets and personal digital have been brought within the ambit of cyber law. Salient Features of the Act related to cybercrime against women Information Technology Act 2001 is a key weapon to prevent cybercrime. The act basically deals with online transaction but some its provisions deals with the offence against human body.

The major provisions of the Act are as follows electronic obscene content Section 67 of IT Act, 1860 prevents publishing and transmitting of obscene contents on the internet which disturbs public order and morality. It is based on Section 292 of IPC, 1860. But the amount of punishment is higher in IT Act, 2000. It is a bailable offence. Sending of offensive messages Section 66-A provides for the offence of sending offensive messages through communication devices or computer resources. Section 66-A makes it a offence when it is send by means of a computer resource- Any information that is grossly offensive, Any information that has menacing character, Any information which you know to be false but which is sent for the purpose of causing insult, Spam Messages It is important that 66-A tries to cover slightly the phenomenon of spam. But this provision is not very effective. Identity Threat Section 66-C has provided for the offence of identity theft. The said offence is bailable offence where the accused even if arrested be entitled to bail as a matter of right. Cheating by Personating by computer resources is there if the person cheats by pretending to be another person who is already predeceased by using computer system, computer networks and computer resources or communication devices, he is deemed to have committed the offence of cheating under Section 66-D.

For violation of privacy another Section 66-E has been added to provide for the offence of violation of privacy. Following essential acts need to be performed i.e. capturing, publishing and transmitting. Transmit means to electronically sending visual image. National Cyber Security Policy 2013 for preventing Cybercrimes India now has a policy which provides for the legal basis for the cause of cyber security in India. It has fourteen objectives to create cyber-ecosystem in India. One of the key objectives is to facilitate monitoring at national level such as cyber security compliance, cyber attacks, cyber- crime and cyber infrastructure growth.

CYBER SECURITY: NEED OF THE HOUR TO PROTECT WOMEN -

"Cyber security is primarily about people, processes, and technologies working together to encompass the full range of threat reduction, vulnerability reduction, deterrence, international engagement, incident response, resiliency, and recovery policies and activities, including computer network operations, information assurance, law enforcement, etc." Cyber security is the protection of Internet-connected systems, including hardware, software, and data from cyber attacks. Cyber security is so important in what's become a predominant digital world: Cyber attacks can be extremely expensive for businesses to endure. In addition to financial damage suffered by the business, a data

breach can also inflict untold reputational damage. Cyber-attacks these days are becoming progressively destructive. Regulations such as GDPR are forcing organizations into taking better care of the personal data they hold. Because of the above reasons, cyber security has become an important part of the business and the focus now is on developing appropriate response plans that minimize the damage in the event of a cyber attack.

CONCLUSION & SUGGESTIONS -

The cybercrime against women is increasing at a very fast rate new offences like trolling and gender bullying are emerging as new field of cybercrime. But the IT Act 2000 does not include such crimes and the process of investigation is not appropriate. Act do not provide any remedy to cyber trolling and gender bullying which is one of the lacunae of the act. There is a need to create separate cell for the investigation. Special training must be given be the officers to deal with the cybercrimes against women. Judicial system of the country should try to tackle the problem of cybercrimes against women effectively.

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A STUDY TO DOWRY SYSTEM AS A SOCIAL EVIL IN DISTRICT BIJNOR UTTER PRDESH

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ABSTRACT :-

Dowry also known as Dahej is one of the deep –rooted societal ills that have become an obstacle to woman’s regular lives. Dowry has become a societal norm, which is a major issue for both society and woman. The Dowry system is the evil that has murdered and disabled countless vulnerable women, forcing some to commit suicide. Dowry is the oldest social malady or sickness on the Indian subcontinent. It has become a terrible social disorder that is profoundly established in people’s blood. Many individuals regards dowry as a symbol of social standing and self–recognition. As Mahatma Gandhi has rightly said “any young man, who makes dowry a condition to marriage, discredits has education and his country and dishonors womanhood”. The main goal is to investigation the ills of the dowry system and its repercussions in India.

Keywords :- Dowry, Social evil, Womanhood, Marriage, Self–Recognition, Self Standing,

INTRODUCTION :-

The problem of dowry has many facets and dimensions and permeates both the rural and urban areas of the country. In recent years the practice dowry has taken a heinous shape and the evil of bride burning is swallowing large numbers of women. Despite efforts at making laws prohibiting dowry more stringent, enacting new provisions in criminal law against cruelty and dowry related deaths, murders and suicides, the Indian man is twisting the arm of his wife so hard that it breaks. Such inhuman and barbaric treatment to a woman is an offence not only to a victim but also against the society and the humanity at large.

Keeping in view the backdrop of dowry system and its social evils, the present study is a systematic attempt to a study to dowry system as a social evil - a tribal district Bijnor in the State of Utter Pradesh. The study aims at discussing in length the social evolution, concepts, problems and issues and the relevance of dowry to Indian Society, and to critically examine the relationship between certain significant sociological factors that determine the quantum and incidence of dowry. It is also an attempt to highlight the area and the nature of restrictions imposed by the dowry system laws and to find out if there are any loopholes and lacunae in the existing legal provisions. The guidelines provided by the judiciary in India shall also be analyzed.

PROBLEM OF THE STUDY :-

The problem of dowry has been taken up for study. The practical effects of Anti-Dowry Laws in the matter of stopping dowry payments quite a few empirical studies have been conducted. The phenomenon of dowry is complex and a few studies have- so far been attempted on one or the other aspects of the phenomenon. The social evil of dowry, which has both theoretical and empirical significance in modern times, has not been extensively studied by sociologists and social anthropologists. In other words, scientific investigations on the dynamics of dowry in some details are lacking.

The researcher's general perception that dowry in its present form has emerged as a major social evil and is a burning problem to civilized society has also inspired the researcher to choose the area for study. The birth and growth of dowry need a recall as it is now posing a serious problem to society as a whole.

NEED OF THE STUDY :-

Dowry related violence is now an every day event in our country. The law against Dowry is stringent enough to act as a deterrent. But the reality of the wretched lives of young woman, particularly among the less educated sections of the society, is that they still have to justify their presence in the husband's family by bringing in money and other valuables from their parent's home.

So it's the right time to take proper steps against Dowry. If failed to make a proper solution of the problems, then our next generation has to face more problems than we are having right now.

OBJECTIVES OF THE STUDY :-

1. To ascertain the extent of existence and prevalence of dowry system.
2. To identify the factors responsible for continuous prevalence of dowry despite stringent laws.
3. To enquire whether there is any gap between actual and the reported incidence of dowry.
4. To examine the efficacy of laws relating to dowry prohibition.
5. To enquire the reasons behind the non- compliance of society towards the laws relating to dowry prohibition.
6. To analyze the connection between the prevalence of dowry system and other offences against women.
7. To assess the efficacy of legal and police machinery in dealing with dowry related offences.
8. To identify the reasons for the abuse and misuse of the dowry prohibition laws.

HYPOTHESIS :-

1. The custom of dowry is not a characteristic phenomenon of the present day society; it has its roots in antiquities.
2. The dowry system is closely connected with the religious concept of marriage as a 'Daan' or gift.
3. The existing Anti-Dowry Laws including penal liabilities incorporated in the Penal Code are enough to combat the evil.
4. Education and economic independence of women are the only remedies to overcome the evil practice of dowry.
5. The Judiciary in India is required to be more sensitive in cases related to dowry.
6. The basic cause of dowry is avarice for wealth.

RESEARCH METHODOLOGY :-

The present research work required both doctrinal and non-doctrinal study. The study includes both theoretical and empirical investigation to verify the hypotheses formulated. The drastic social consequences of the custom and its control through the mechanism of law have also been covered. The assessment of the role, approach and attitude of the judiciary also comes within the ambit of the study. For this purpose, landmark judgments of the Supreme Court and various High Courts have been collected, classified and analyzed systematically. Besides, the reports of various Commissions/Committees like the Joint Parliamentary Committee on Dowry Prohibition Act, the National Committee on the Status of Women and various Governments proposed Bills on Dowry Prohibition and the Amendment Acts of both the Central and State of U.P have been examined.

SCOPE OF THE STUDY :-

As already stated, the scope of the present study is confined to the evil practice of dowry in India with particular reference to Bijnor District of Uttar Pradesh; the researcher has selected Bijnor District for his study mainly because of the following two reasons :

In the first place, among the thirty districts of Uttar Pradesh, Bijnor is the largest in area, and the third most populous.

The second rationale for selecting Bijnor District is that it is predominantly tribal and one of the backward districts of Uttar Pradesh. Compared with other districts of Uttar Pradesh, the literacy of Bijnor District is also very low. Hence it will be of great interest to study the problem of dowry in such a tribal and backward district of India.

LIMITATIONS :-

The study of economic burden on bride's families in rural area District Bijnor state of Uttar Pradesh, The concept of the dowry evil was to ensure that the bride is financially stable after marriage. Dowry has resulted in other social evil like female infanticide, domestic abuse, sexual harassment, etc. Dowry has led to injustice practices with woman and forbids equal status in society. To put an end to this social occult, awareness has to be created among people and complaints must be filed against those practicing Dowry.

1. There is some sampling error due to the convenience sampling procedure; the time period for the project work was limited to collect more details.
2. Some of the respondents were not willing to be very open.
3. This study has been limited within the social Medias.

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Hindrances and Challenges Faced by Women Artisans in Handicraft

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“Empowering women is a prerequisite for creating a good nation, when women are empowered, society with stability is assured. Empowerment of women is essential as their thoughts and their value systems lead to development of good family, good society and ultimately good nation”.....

APJ Abdul Kalam

Introduction :-

Rural artisans are basically responsible for taking handicraft industry to the next level especially in the context of Indian Handicraft industry. The contributions made by the rural artisans are nearly about 78 % of total handicraft produced in the country. Indian handicraft industry is especially known for its fine art, the selection of brilliant colours, designs, crafting, which have always been acknowledged and admired by the world. Here, women have an important role to play as they account for 30-35% of the workforce in the informal economy, 118 million women workers are engaged in the unorganized sector, constituting 97% of the total women workers. Women have additional duties to take care of their off-springs and well being of the entire family they are overly burdened in comparison to men in our society, despite performing all this house chorus activity they struggle to get fair treatment both at workplace or home, they are not equally treated as men.

Even though putting so much of effort they Donate get enough to eat for themselves and for their dependents, they are not able to even fulfill all the basic necessities like - food, safety, water and shelter. This paper is going to help understanding development of women artisans through policymakers and planners and also helps us to give an idea about the importance of building women’s capacities to improve their socio-economical status, which can directly improve their skills, personality, self-concept, leadership, and income. Data from the 66th round of the NSSO indicates that female work participation rate has decreased between 2004-05 to 2009-10. The participation share of women in normal status workers has reduced from 28.7% to 22.8%. In rural areas this has declined from 32.7% to 26.1% and in urban areas from 16.6% to 13.8%, according to XII 5 years plan.

Handicrafts are handmade articles. Handicrafts are the forte of e Craft India. Handicrafts have been in vogue for ages now. Handicrafts have their base in rural works. Indian handicraft items are made using various inherited methods by the proficient artisans. Many handcrafters use natural, even uniquely original substances while others may favor fresh, non-traditional elements, and even up cycle manufactured supplies. The sole craftsmanship

of a hand made article is the supreme rule; those made by mass composition or mechanisms are not handiwork assets. Iron handicrafts are usually seen retained on the furniture or on the porch. It includes candle holders, jhulas, tribal theme showpieces, wall decor, and several more handicrafts.

Home-based workers are divided into 2 categories :

1. Dependent workers : This category of workers is the one's that work for someone. They are given deadlines for the handicrafts that are needed to be made and delivered. Such women workers make handicraft items for small scale or large scale handicraft business that are then sold to the wholesalers, retailers, and the consumers.

2. Independent workers : Independent workers are the one those who make and sell the handicrafts themselves. But these independent workers sometimes have artisans below them, or they only make and sell the handicrafts.

Both these workers initially would have started their own small scale business. Which then would have lead to large scale business. And most of these businesses are started by women from home. Even in recent times, many women do handicraft work from home and have given themselves big names in the market. There have been so many additions to the handicraft sector.

The sector provide enormous economic stability, better market access, selforganisation and capacity building skills and plays an important role in strengthening women's financial status for peace and security. By enhancing the economic opportunity and livelihood of women, the stability of a country increases. Women's economic empowerment strengthens women's rights and grants them increased control over their lives, their families and their societies. Further, women's increased participation in the economy brings universal benefits, and research shows that the money women earn is invested back into their families. Without it, women's unemployment will rise and forcing them to live under worse economic conditions.

Besides being an income source for women, the artisanal sector provides affordable, flexible, sustainable and supportive environments to work from their own dwelling along with other indigenous women. Thus implying less risk associated with solo travel and can get involved in the care of their children while they work. Still, they faced severe obstacles to the development and success of their initiatives.

Since various handicraft products bring small returns, product demands must be steady for these small businesses to survive. Quality control is a critical factor and it is required to make at a faster rate maintaining same level of quality at all time. The sustainability approaches for the artisanal segment should follow a community-based approach to provide sustainable economic opportunity for both men and women artisans. However, for the purpose of this study we prefer to focus on economic empowerment of women artisans and illustrate the hindrances and challenges of the zari sector within the women's economic empowerment movement.

Objective of the study :-

This paper establishes the fact that a small action can improve the working condition of woman artisans towards better and sustainable life by giving them better options. The small steps towards improvement of their workability might increase their personality, boost their confidence, improve their life skills, give them self respect etc. This paper helps us to understand that if the women are properly guided and motivated and given all sorts of

support, then they can be a story changer and successful breadwinners, provided they have been given a right exposure

PRESENT STATUS OF THE WOMEN ARTISANS :-

Handicrafts have their importance not only as a source of employment to craftsman but perhaps much more due to their capacity to reflect the culture of a civilization, hopes and fear of a generation through artistic expressions. The nimble fingers of the craftsman turn every article they touched in to a thing of joy. In the field of handicraft the Indian women artisans had advanced and reached the peak of quality and beauty in producing articles of utility and of decorative values and has claimed International fame. There are certain crafts which are generally practiced by women like embroidery, beadwork, appliqué craft, cane and bamboo, shawls, durries making, artistic textile, weaving mat etc. In India, large numbers of women are maintaining their family by accepting handicraft as a source of income and occupation.

Crafting the way Forward - Women in Artisan Industry :-

According to Frank Wilson the importance of hand has been mentioned in one of his book which states “The Hand – how its use shape the brain, language, and human culture”. Here we are discussing about such industry which is mostly into hand operated known as handicraft. The life in handicraft begins with the birth of an individual in a family whose descendents are already working there from decades. This industry has potential to increase the employment rate and enhance the economic opportunity not just for men but for women too. This sector sometimes also understood as a diverse one as at one point you will find skilled workforce and at other unskilled or practitioner. Some time there are people who are self employed and running their business successfully and some are daily wages worker. This industry has ample opportunity but the only problem lies with its regulation and formality. It has given opportunity to women workers who can earn their livelihood and bread for their family.

But the end result has shown some different picture, The Economic survey 2017-18 says that the employment of women worker has reduced from 36% to 24%. There are various reasons underneath, poor environment, sexual abuse, unsatisfactory condition of work, lack of awareness, discrimination between men and women, low literacy rate, lack of family support, women are doubly burdened as there is no childcare support etc. because of such things various agencies have come into picture to protect the laws of women worker, protect their right and provide them all sort of benefits and security paving the way for their betterment. AIACA (The All India Artisans And Craft workers Welfare Association), which is mainly into craft sector and deals with issues pertaining to growth and benefits of people who are associated with this industry.

Currently they have dealt with environmental issues, health and safety issues and paved the way for inclusive development of this sector. They assist in – • Sales of the handicraft • Production • Providing Training • Help Product design • Strengthening back end production • Etc. They are helping women artisans on various fronts, such as creating wage parity, enabling work condition, helping them to start their own business etc. this way they are helping them to promote, though these issues requires pro active research, supportive policy, need to redesign the mechanics of work, and creating a sustainable model for inclusive growth.

Research Methodology :-

To develop a proper understanding of their workability a field survey was conducted over three months of

time in the cities where maximum women are involved in artisan work especially in the context of Uttar Pradesh. For collecting such information women workers are contacted at their working sites, be it their workplace or home. For getting the better understanding of their home condition, their residential areas have been taken care of by visiting them personally.

Women workers are involved in various activities – household activity, weaving, shoe-making, clothes weaving, carpet weavers, wood crafting, Zari Workers, Chicken handicraft, Meenakari etc. Through semi structured questionnaire and the feedback provided by them, we are able to understand the following aspect of their profession:

- Their working condition, and social status
- Wages – fixed or variable
- Gender discrimination
- Basic information such as – age, education, family income etc.

A total of 150 women workers were interviewed which includes 40 home based workers, 30 cloth weavers, 20 shoe makers, 60 handicraft workers including (Chicken work, Zari Work, Meenakari workers) etc.

Analysis and Discussion :-

The interview conducted for various women workers for different profiles are summarized and analyzed below :

Shoe Makers : The shoe-makers are the one who is facing economic-downturn, by means of this profession they are supporting their families by earning bare subsistence for their dependents. Here their payment is based on the no. of pieces produced and also depends on the market demand and supply. It also gives women financial independence and they feel a special sense of pride among others. Wooden Craft: Crafting involves precision. The women workers who all are involved in this profile are not able to devote much of their time. As crafting involves patience and time, women have no. of responsibilities, so the preference is given to men over women, so here gender discrimination takes place. Since it does not demand an educational background so anyone can easily enter and exit. The payment to this job is piece basis which they usually call commission it varies from product to product.

Zari / Meenakari / Chicken Worker : The majority of women workers are involved as it does not require any rules or regulations or compel them to follow any command. They receive payment on the piece basis. Usually they work under some big manufacturer where they are given the choice of freedom to perform their work, and on the top of that it's a home-based work, so maximum no. of women participation have been witnessed, as getting involved in this kind of job doesn't hamper their family setup. Home-Based Worker: it gives an opportunity to women workers to perform all sorts of job in their own dwellings. Women turn out to be home-based workers due to no. of reasons – they lack necessary qualifications, lack of formal training, no support from their families, economic compulsion etc. It also gives an opportunity to combine work with house chorus and flexibility to perform their task.

Review of literature -

Shrivastava,(1978), according to her report it reveals the various aspect of life style changes when it comes it employment. If a woman is working, she is more liberal than any woman who is confined to her house.

She has broad view in terms of understanding the things and wider social interaction. The couple where both man and woman are involved in employment they share equal domestic responsibilities and develop greater cooperation. Thus employment leads to various behavioural and social changes.

Gulati,(1983), in her research, she talks about the marriages, which takes place among the people who belongs to unorg anized sector. Since the parents are already working in informal sector so they get their daughter married to a boy who is also from the same segment which invites many unsaid challenges in a girl's life, and stops her from various opportunities and stops do any better. their girls to do any better.

Preet Rutsagi, (1997), she has talked about women employment in informal sector and how the employment rate of women has risen due to economic pressure in unorganized sector. She has focused in the working condition of women and their exploitation in her article. Due to economic pressure women are taking up jobs in informal sector but due to lack on stringent law and polices they are underpaid and work under miserable condition, along with household chorus activity. The partici pation of women in employment is also helping to break various cultural and social taboos.

Nigar Fatima Abidi,(1996), her study is mainly based on Muslim Women worker, specifically in textile industry. She reveals that women are working almost 78 hrs. da ily in weaving, along with other household chorus which includes Taking care of kids, Gardening, Cleaning, cooking etc. they have no say in any decision in their family, they are just mere assistance to their spouse, where their contribution is huge in t his particular industry. The matter of fact is that they are bread winner of their family, because their family survival depends on their subsistence.

Jasani,(1990), in her study she talks about the male dominance, she says even there is women empowerment and various measures are being taken to boost the employment rate of women, but still male dominance prevail in this industry. Labour market favors men over women. She talks about the midwives; in the healthcare sector, there is also no equal pay for equal work done even for the urgent work. She also says that the bargaining power of women is also weak due to socio economic background.

According to Singh and Viltanan,(1985), one of the papers presented by them in a conference in Delhi, they have focused on women who are taking care of home based work. They say the home based work performed by the women always stays invisible; their work never comes in any of the statistics. Besides women have accepted the fact that the entire household stuff is only their whole sole responsibility not the men's and as a result home based work is just a peripheral. This paper also talks about the challenges of informal work setting when it comes to women; it says it has no. of flaws: erratic work schedule, unorganized work settings, low wages, lack of legality etc.

Jaya Kritika Ojha and Binod Mishra (2013), they have discussed in detail about women empowerment, successful capacity building and inclusions of women in embroidery industry with special reference to Rajasthan, THAR. Despite the odd and challenging life style, women of THAR have still successfully managed to accelerate their participation in artisan industry. They can talk against discrimination, their know about their right, they have say in decisions making process in the family etc. this paper also talks about the one of the non-governmental organization called "URMUL Seemant" this organization provide training, they work on quality improvement in terms of design, colours, new trends etc, they have create a platform of socio economic development of rural

women and women who especially are involved in handicrafts.

Conclusion :-

Women Artisans mostly work in traditional and unorganized sector in which they are vulnerable to exploitation and low wages, sexual harassment, extreme working condition, erratic work schedule, which is very much difficult to manage their work life. Most of the times due to such conditions they have to choose home over work and become financially dependent on their counterpart. But the time is taking a major shift and turning the table for working women. On the basis of above study it can be clearly seen that handicraft and artisans industry have brought significant change in the lives of women artisans, they get fully support and timely payment, they are the successful bread winners of their families and have established themselves as change agents and leading a successful life. The poor women have realized their potential and have become self reliance. It is found that they are easily managing the work and their families.

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Human Rights Movement Towards Women Empowerment

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Introduction :-

In the vicissitudes of fast changing times, the theme of women empowerment has acquired a new dimension and important role in social welfare state. The Constitutional construction must respond to ever changing vistas of human experience and aspirations in the gender jurisprudence. For the achievement of constitutional ethos it is inevitable that the gender justice has to play a dominant role to uplift the concept of egalitarian society and to serve as a very pliable instrument which will assure to the women of India, the fruits of functional democracy. In this context, the cause of women empowerment necessitates a dynamic, constructive and missionary vision to serve the cause of welfare state. The concept of women empowerment is inherent in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres.

India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993. The Mexico Plan of Action (1975), the Nairobi Forward Looking Strategies (1985), the Beijing Declaration as well as the Platform for Action (1995) and the Outcome Document adopted by the UNGA Session on Gender Equality and Development & Peace for the 21st century, titled "Further actions and initiatives to implement the Beijing Declaration and the Platform for Action" have been unreservedly endorsed by India for appropriate follow up. The Policy also takes note of the commitments of the Ninth Five Year Plan and the other Sectoral Policies relating to empowerment of Women. The women's movement and a wide-spread network of non-Government Organisations which have strong grass-roots presence and deep insight into women's concerns have contributed in inspiring initiatives for the empowerment of women.

As far as Indian constitution is concerned, there is every reason to be proud of its basic fairness and justice towards women. The constitution guarantees certain fundamental rights to all Indian citizens such as: (a) Right to equality, (b) Right to freedom, (c) Right against exploitation, (d) Right to freedom of religion, (e) Cultural and educational rights, and (f) Right to constitutional remedies."

Right to equality is one of the most important human rights. It is linked with the concept of liberty and justice and is manifested through the two fundamental and complimentary principles. The first is affirmed in Article 1 of the UN Charter, which asserts observance of and respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. The other principles that all human beings are born free and equal in dignity and in rights. are reaffirmed in the Universal Declaration of Human Rights. It is upon these two principles that all international instruments of human rights are based Equality and non-discrimination constitute the dominant single theme of the two International Covenants on Human Rights Equality, of course, implied that the rights recognized by the Covenants are rights of all human beings equally and the various provisions apply to 'all persons', 'everyone', every human being" and that 'no-one' shall be deprived of those rights. It has been noted that such words as 'every one' and 'no-one' etc. are the hardest for most people to accept, especially in India where hierarchical social relations loaded with distinction of caste, creed, religion, sex and birth still prevail

However, there still exists a wide gap between the goals enunciated in the Constitution, legislation, policies, plans, programmes, and related mechanisms on the one hand and the situational reality of the status of women in India, on the other. This has been analyzed extensively in the Report of the Committee on the Status of Women in India, "Towards Equality", 1974 and highlighted in the National Perspective Plan for Women, 1988-2000, the Shramshakti Report, 1988 and the Platform for Action, Five Years After- An assessment"¹ Gender disparity manifests itself in various forms, the most obvious being the trend of continuously declining female ratio in the population in the last few decades. Social stereotyping and violence at the domestic and societal levels are some of the other manifestations. Discrimination against girl children, adolescent girls and women persists in parts of the country. The underlying causes of gender inequality are related to social and economic structure, which is based on informal and formal norms, and practices. Consequently, the access of women particularly those belonging to weaker sections including Scheduled Castes/Scheduled Tribes/ Other backward Classes and minorities, majority of whom are in the rural areas and in the informal, unorganized sector to education, health and productive resources, among others, is inadequate. Therefore, they remain largely marginalized, poor and socially excluded."

The dynamic theme of women empowerment necessitates a close scrutiny and missionary response of all section of society. Political parties, non-governmental organizations, lawyers, judges. Public servants, teachers, police, media persons and others. In fact. Access to justice is the primary need and right of every individual However, it is also true that dispensation of justice in real terms depends on many factors. As far as the condition of women is concerned, it is generally admitted that female population is assigned a subordinated status in society" Gender-based bias against women has been a feature of the Indian society since centuries. Even today they are discriminated against in education, health, housing, and employment. And even in the matter of access to law and justice, Subordination and discrimination are so entrenched that they are even justified in terms of social good, religion and culture." This state of affairs is generally explained by feminist in terms of the patriarchal structure and male centred value system in society”

The goal of women welfare is to bring about the advancement, development and empowerment of women. The Policy of women empowerment shall be widely disseminated so as to encourage active participation of all stakeholders for achieving its goals. Specifically, the objectives of this Policy include: (i) Creating an environment

through positive economic and social policies for full development of women. to enable them to realize their full potential (1) The de-jure and de facto enjoyment of all human rights and fundamental freedom by women on equal basis with men in all spheres political, economic, social, cultural and civil (m) Equal access to participation and decision making of women in social, political and economic life of the nation (iv) Equal access to women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public office etc. (v) Strengthening legal systems aimed at elimination of all forms of discrimination against women (vi) Changing societal attitudes and community practices by active participation and involvement of both men and women. (vii) Mainstreaming a gender perspective in the development process. (viii) Elimination of discrimination and all forms of violence against women and the girl child; and (ix) Building and strengthening partnerships with civil society, particularly women's 15 organizations.

Legal-judicial system shall be made more responsive and gender sensitive to women's needs, especially in cases of domestic violence and personal assault. New laws shall be enacted and existing laws reviewed to ensure that justice is quick and the punishment meted out to the culprits is commensurate with the severity of the offence. At the initiative of and with the full participation of all stakeholders including community and religious leaders, the women empowerment mission shall aim to encourage changes in personal laws such as those related to marriage, divorce, maintenance and guardianship so as to eliminate discrimination against women. The evolution of property rights in a patriarchal system has contributed to the subordinate status of women Moreover, efforts should be made to encourage changes in laws relating to ownership of property and inheritance by evolving consensus in order to make them gender just.¹⁶

Conclusion :-

Women's equality in power sharing and active participation in decision making, including decision making in political process at all levels shall be ensured for the achievement of the goals of empowerment. All measures shall be taken to guarantee women equal access to and full participation in decision making bodies at every level, including the legislative, executive, judicial, corporate, statutory bodies, as also the advisory Commissions, Committees, Boards, Trusts etc. Affirmative action such as reservations/quotas, including in higher legislative bodies, shall be considered whenever necessary on a time bound basis. Women-friendly personnel policies shall also be drawn up to encourage women to participate effectively in the developmental process.

Policies, programmes and systems shall be established to ensure mainstreaming of women's perspectives in all developmental processes, as catalysts, participants and recipients. Wherever there are gaps in policies and programmes, women specific interventions would be undertaken to bridge these. Coordinating and monitoring mechanisms shall also be devised to assess from time to time the progress of such mainstreaming mechanisms. Women's issues and concerns as a result shall specially be addressed and reflected in all concerned laws, sectoral policies, plans and programmes of action.

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Assisted Reproduction Technologies and rights of women

Shruti Bika

Abstract :-

The latest reproductive laws, the Assistive Reproductive Technology (Regulation) Act 2021 and the Surrogacy (Regulation) Act 2021 has triggered activist movement in India. These new provisions have strong impact on the reproductive rights of women. The national and the state ART and surrogacy board as well as the national ART and surrogacy register advice government on policy matters and maintain transparency by maintaining a database of the ART treatments under taken across the country. These twin laws intent to curb the commercial surrogacy but allow the ethical or altruistic surrogacy.

The new provision aim to clean up the unethical practices flourishing at ART and surrogacy clinics, in fact the ground reality is that poor women are deprive of an avenue to monetize their service as a surrogate in the absence of any other gainful employment . Despite the Supreme Court's railing, permitting homosexuals the right to procreate, the new law excluded LGBTQIA, single man and live in relationship couples. Additionally, the strict norms like the couple who wants to avail ART should be married for at least five years ,both parents must be Indian citizen , must have a certificate of essentiality, a woman can be a surrogate only once in her life time and certified to be mentally and psychologically fit; has made the process complicated. Instead of creating an inclusive law to safeguard the rights of Indian women, unexpectedly it has created a thriving grey market for the unvetted agents and private clinics.

Keywords : Assisted Reproductive Technology (ART), legal rights, ethical surrogacy, Oocyte donor, embryo, cryopreservation, Ovarian Hyper Stimulation Syndrome (OHSS), hormone therapy, LGBTQIA (Lesbian, gay, bisexual and transgender), Indian Council of Medical Research (ICMR).

Introduction :-

Motherhood is an instinct driven biological phenomenon. It is a psychological state of mind which starts budding in a woman after marriage. The instinct of motherhood is the strongest instinct. According to the Indian convictions propagation is an ultimate purpose of life. Propagate once own genes and pass their traits to next generation, in the flow of natural human behaviour is desirable. Unfortunately, the contemporary lifestyle has contributed to fertility related health issues in many women. The most promising solution to the above problem is the assisted reproductive Technology (ART).^[5]

Infertility is a social stigma in a developing country like India; consequently many people are opting for medical help and getting successful outcomes. The advance medical technologies used to treat infertility are collectively called Assisted Reproductive Technology (ART), such as IVF(In Vitro Fertilization), ICSI (Intra Cytoplasmic Sperm Injection), gametes transfer , embryo transfer etc are the path breaking steps in the field of medical science to treat female infertility.^[13]

Scenario in India :-

India is a developing country and has a very close knit social structure; the foundation stone of a stable family is based on the lineage or the Vansh system. It is an old school of thought that the offspring lead to social security and better future of the family. The family lineage is a big social Taboo in India, it is speculated that the agony of childless woman cannot be described in words.^[4]

Subject matter of concern :-

It is well known that in a country like India the majority of the women opting for a ART are ignorant of the procedure, legalities and the rights of women. The matter of rising concern for the society is to create the awareness among women to understand the nature and details of the treatment before undergoing the process to protect them from exploitation and related frauds. The basis of the infertility treatment is the willingness of the egg donor, the surrogate or the intended parents to enter into a contract without undue pressure. ^[1]

Government regulation :-

The Assisted Reproductive Technology (Regulation) Act 2021 and The Surrogacy (Regulation) Act 2021

The government needs to protect the rights of the donor (egg donor women) ,commissioning couple and the rights of the unborn child at the embryonic or the foetus stage. The Assistive Reproductive Technology (regulation) Bill 2020 was introduced to regulate the increasing number of infertility treatment clinics and put restriction on medical professional carrying out ART throughout the country .The objective is to fill the vacuum that has been created between the operators of these institutions and the patients to control the Outlaw which contaminated the operation of these treatments by exploiting patients to earn maximum profit.^[5]

The main intention is to put an end to illegal trafficking of gametes and commercialisation of the embryos .The Parliament passed the Assisted Reproductive Technology (A R T) Act and the Surrogacy Act in December 2021, it came into force in January 2022. The ART clinics and banks are registered under National register of banks and clinics of India with 5 years validity, the Grant or withdrawal of licence is based on the performance and the efficiency of these institutions and cancelled on violation of the act.^[7]

India a global hub :-

Commercialisation of ART has paved the way to the entrenched network of incredulous agents to accomplish the unethical practices related to issues like sale and purchase of egg and embryo; allurements of young and poor girls into surrogacy for the lucrative monetary opportunities. Young and healthy girls are promising candidates for assisted reproduction, the healthy life style of Indian women and low cost deals for surrogacy; attracts couples from foreign countries intending to obtain children through ART. Reasonable monetary compensation to an egg donor or a surrogate is the right of a woman as she has to undergo mental and physical dilemma.^[6]

Egg Donor program :-

An egg Donor is a woman who contributes her genetic material for the assisted reproductive process. The characteristics of the egg Donor are Firstly, she does not intend to be the parent of the resultant child.

Secondly, willingly agree to waiver all rights as a mother.

Thirdly, donor may be a relative or unrelated to the intended parents.

Fourthly, remain anonymous.

Fifthly, signed consent agreement confirming that she will not have legal rights over the child born out of ART.

After the legal formalities, the donor's oocyte undergoes screening for infectious diseases. The medical history of Donor is scrutinized to ensure absence of any genetic disease, only than the egg is approved to be used for the further therapy.^[9]

Who is eligible to avail ART facility

Firstly, a woman with natural Menopause who has lost her only child.

Secondly, consecutive fertilization failure.

Thirdly, poor response in the IVF stimulation protocol.

Fourthly, premature ovarian failure.

Fifthly, couples suffering from hereditary disease.^[7]

Surrogacy :-

Surrogacy is one of the Assisted Reproductive Technology in which a married woman, already having one issue, bears the child for an infertile couple. It is of two types Firstly, Altruistic surrogacy in which no monetary compensation (other than vital medical expenses) for relinquishment of rights on the child.

Secondly, Commercial surrogacy in which a woman receives payment for her service as well as medical expenses during pregnancy.^[19]

Traditional surrogacy is prohibited in India which involves artificial or natural insemination. In India, gestational surrogacy is the only type of surrogacy permitted which includes the creation of an embryo using IVF (in vitro fertilisation) technology, which is subsequently put in the surrogate's womb. The monetary aspect pictures surrogacy as renting a womb to nurture the fertilized egg and give birth to a child with an intention to give up on the child.

SURROGACY IS AMALGAM OF SCIENCE SOCIETY AND SERVICE : ^[2]

Essential elements in Surrogacy (regulation) act 2021

1. No genetic link between the surrogate mother and the child.
2. Not the wife of the father of the child.
3. No physical contact or coitus involved between the father of the child and the surrogate.
4. Not an illegal practice.
5. No Woman can be forced into surrogacy.
6. No claim or right of the surrogate mother over the child born out of surrogacy.
7. Maximum of only three embryos is allowed for transfer to avoid multiple pregnancy.
8. Import of embryos is prohibited.

9. The clinics are prohibited to provide an embryo with pre determine sex.
10. Insurance coverage for 16 months should be provided to the surrogate mother for the Postpartum complication.^[7]

Selling and purchase of embryo is prohibited by law, no person shall sell or purchase human foetus, such altruistic arrangements are considered exploitative in nature as it encourage human life selling as well as they tarnish the dignity of reproductive characteristics of a woman.^[17]

Cryopreservation of embryo's and eggs :-

It is a process of freezing the egg of a woman or the embryo of a couple for future, to preserve the fertility of a woman. In this process the eggs are harvested, frozen and stored for later use; thawed when required and combined with the sperm (in case of oocyte) and implanted in the womb (in case of embryo). The donated gametes or embryo checked for HIV, HBV or HCV infection and genetic disorder. Maximum time period of preservation is 5 years but if the age of women is more than 35 years it is stored only for 2 years. Initially, the success rate of live birth from frozen embryo or egg was low, as some of the frozen gametes lose their efficacy after thawing. This has created moral and ethical dilemma regarding the preservation of oocytes or embryos.^[10]

Legal factors related to surplus embryos :-

During cryopreservation the consent form is signed by the parties, agreeing upon the methodology and the future use of embryo (If the embryo is not used for the specific purpose), the terms and conditions regarding the success rate of fertilization, pregnancy and live birth, are fixed. It is strictly prohibited to destroy the embryo, even if the parents do not want to claim it or in the case of death of the parents. In such a situation ; firstly the embryo can be donated to infertile couple. Secondly, used for stem cell research with the written consent of the donor.^[3]

Although it is immoral to allow an embryo to die or go to waste, when it can be used to save life. Some believe that embryo cannot be used as mere object, as it is undeniable that an embryo has a legal standing of prospective life. In another view all the embryo has a potential to achieve adulthood but it has no other characteristics of personhood so it cannot be considered as legal person.^[7]

Legal rights of the children born out of ART :-

Firstly, under the legal purview the child obtained by ART should be cared till majority; if not, the court can take legal action to compel the legal parents to take proper care of the child, otherwise will be punished.^[19]

Secondly, the child holds all the rights which a legitimate child has.

Thirdly, does a child born out of ART should be allowed to know the identity of the biological mother for the sake of genetic history; if yes, then at what age and under what circumstances?^[8]

Legal rights of the surrogate or a Donor :-

The women involved as a donor or surrogate has right to maintain and protect her anonymity; for what so ever reason, she cannot be compelled to break the contact on any grounds. Although some simply argue that it is a matter of choice of the involve parties, whether they want to maintain anonymity or not. In India commercial surrogacy is illegal under the Surrogacy (Regulation) Act 2021; the surrogate has full right to withdraw from the contract anytime before the contract is signed. Once the contract is signed she is under legal liability to comply with the contract, there is no looking back unless the court allows the same.^[2]

Legal rights of the couple opting for ART

Firstly, right to obtain custody of child after the delivery.

Secondly, right to know the genetic history of the Donor.

Thirdly, right to maintain anonymity.

Fourthly, all rights and duties of the legal parents in case of divorce.

Fifthly, right to sue the donor or the surrogate in case of breach of contract.

Seventhly, right to sue the ART clinic or Cryo-Bank in case of negligence.

Eighthly, legal rights of ownership over their frozen oocyte or embryo in the cryo-preservation Bank.^[13]

Religious Outlook :-

The Islamic law only accepts the birth of child after marriage, embryo adoption is impermissible. The catholic believe that the embryo has a special status and respect therefore it needs to be protected. Any harm to the embryo is equal into murder as biologically it is undoubtedly human and alive, as it has inherent ability to grow into a living being. Hinduism and Buddhism have been very liberal and acceptable since its Dharma Vedas allow the donation of gametes and surrogacy within close relatives (unless it is not against the religion). It puts emphasis on the voluntary participation of involved parties, Dharma Shastra also talks about the rights and legitimacy of the adopted child and the surrogate mother.^[3]

Ethical aspect :-

The ethical aspect involves the ethical duties and responsibilities of the parties involved in the ART; like avoiding mixing of gametes, storage of gametes or embryos for indefinite time period, donation of unused gametes or embryos to infertile couple, discarding of unused embryos (with the consent of the involve parties), justification of compensation to the donor and its legality, last but most importantly ethical aspects regarding the use of spare gametes or embryos for research.^[18]

Embryonic stem cell research is ethically a controversial matter as the derivation of stem cell destroys the embryo. ART has raised many questions on the ethical grounds regarding the rights of the donor on the unborn child; whether such child have the right to know the biological mother to get the genetic information in case of serious ailments; does the co modification of embryo or the sale of eggs makes an indulged women asocial element of the society. It is argued that such scientific practices have cheapened the human life. It is illegal to except money for surrogacy or oocyte donation under the Surrogacy (Regulation) Act 2021 as ethically it is proposed to supply egg or surrogate on no profit no loss basis and limited only to compensation for the expenses and inconvenience faced by the donor or the surrogate. The question regarding the secrecy of the identity of the donor or the surrogate and how strictly this secrecy should be followed and when the disclosure is acceptable are still undecided by the law.^[8]

Associated health risk :-

The woman participating in the ART is hyper ovulated by the monitored hormonal dose regime. This may affect the menstrual cycle as the body is induced to produce the maximum number of eggs by ingesting supplementary hormone dose to the woman. While the egg harvesting she is anaesthetised to extract the mature eggs, at this point she is at high risk of exposure to various infections. The repeated stimulation may also shoot up Ovarian Hyper

Stimulation Syndrome (OHSS) which has serious effects on her health. The inherent risk involved with this process like: blood clot formation, kidney failure or any other associated surgical risk put health at stake. [5]

The success rate of one implantation is low therefore to ensure availability of egg for multiple attempts extra eggs are extracted and stored; for the extraction she has to undergo extensive hormonal treatment. The process of ART involves an intense procedure which involves insertion of medical devices into private parts of the woman during the treatment therefore it is prerequisite to get the consent of woman that should be voluntary without any coercion or undue influence. The long time period, successive attempts, associated health risk and uncertainty of results make it all more important. [5]

Liability of the donor :-

In respect to the occurrence of genetic disorder in the embryo, is the donor responsible for her ignorance to carry defective genes which has caused undesirable life of the surrogate child or is it the case of medical negligence for not screening genetic disorder before the implantation of foetus. The abortion of the child in case of risk to the life of surrogate mother or due to the genetic disorder in the child; requires written consent of the surrogate mother and appropriate authority. Compliance with the provisions of the medical termination of pregnancy act 1971 and PNDT act 1994 is mandatory. [11]

Offence and penalty :-

Exploitation of surrogate mother, abandoning of the surrogate child, importing or selling of human embryo and undertaking or advertising commercial surrogacy; has been declared punishable under the ART act 2021, the Surrogacy (Regulation) act 2021 and under IPC 1860 section 312 to 318. The punishment consist of imprisonment up to 10 years and fine up to 10 lakh rupees. Medical practitioner on violation of provisions of the acts shall be punished with imprisonment extended up to 5 years and fine up to 1 lakh rupees. On subsequent offence by the same person, suspension of the registration for 5 years. The couple who initiates commercial surrogacy shall be punished for 1st offence with imprisonment up to 5 years and fine of up to 50,000 rupees and subsequent offence with imprisonment up to 10 years and fine up to 1 lakhs. [7]

In a case decided by Bombay High Court foetus was found to have multiple cardiac abnormalities, based on the peculiarity of the case justice Dangre permitted termination of pregnancy; as the foetus was the result of ART therefore the intended parents consent was the mandatory before the abortion. [13]

Presumption of court :-

The court presumes that the surrogate was compelled into surrogacy if a surrogate indulges in the surrogacy service other than those permitted under the act. It shall be presume that she was compelled to do so by her husband or intended couples or her relatives and they are liable for abiding commercial surrogacy. The burden of proof is on the parties to establish that they did not compel her. [15]

Recommendations :-

The profound ART act 2021 and The Surrogacy (Regulation) Act 2021 excluded the rights of homosexuals i.e LGBTQIA (Lesbian, gay, bisexual and transgender). It is somewhat baffling that the act has provisions for single women but strikingly it excluded the members of the LGBTQIA, omitting the reproductive rights of certain section of society. The law is aware of the freeze frame of society towards the sexual preference and diversity in human

behaviour. The Indian family structure and social norms make it difficult for the appropriation of the provisions under the act. The live in couples do not qualify to avail ART facility, the acts cites that it is in the best interest of the child, not to allow those who are not legally married but in sexual relationship and desire to have a child because it raises the question of legitimacy of the child.^[14]

Unfortunately there are no binding guidelines issued by the Indian Council of Medical Research (ICMR) which can be called as the National guidance for the accreditation supervision and regulations of ART clinic in India. These regulations should envisage the licensing and supervision of the research on human embryo. It is a social and religious belief that the life is created in the woman's womb at the time of conception hence each embryo in itself represents life, even a frozen embryo is a unused unfulfilled life.^[16]

Conclusion :-

Formally unregulated Assisted Reproductive Technology and Surrogacy industry has left a strong impact on the Indian women's right and health. With the passage of time this industry is growing like weeds; hence the law is losing its hold to restrict the illegal trafficking and atrocious practices misleading young and poor woman into donation of gametes due to their vulnerable circumstances. It has become crucial to frame better and strict laws to clean up the unethical practices flourishing in private clinics like sex selection and exploitation of the surrogate. It has been witnessed that the financial compensation may lead to exploitation as women may proceed with the ART against her own interest which may benefit others but leave her at loss, this may lead to the miss use of the procreation capacity of a woman. This is inherently immoral as it may lead to commoditisation of embryo involving buying and selling of human gametes at the clinics.^[19]

It has been reported that the women with favourable genetic characteristics like good mental capabilities and medical health and physical appearance are selling their eggs at high prices. There are psychological consequences in addition to the legal concerns; mental harassment and intimidation of surrogate has been reported commonly. It is obvious that the women opting for surrogacy or gamete donation are from economically weaker background, for whom it is the source of livelihood. The Indian women will continue to suffer from various unfair practices unless the inclusive provisions are introduced which justify the rights of women in every aspect. The root cause of reprehensible activities is the loose hold of law and the lack of social awareness. In a highly populated country like India it is a day to day fight for survival, major part of our population is struggling for the better life hence practices like commercial surrogacy and egg donation for monetary privileges cannot be abruptly eradicated at once. In depth study of the cause and the social aspect is essential to understand the situation of the women who get entrenched into the networks of such illicit activities.^[12]

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मध्यकालीन राजस्थान में स्त्रियों में प्रचलित आभूषण पर मुगल प्रभाव : जोधपुर एवं बीकानेर राज्य के संदर्भ में

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परिचय :-

भारत की भांति राजस्थान राज्य में भी प्राचीनकाल से मनुष्य सौंदर्य-प्रेमी रहा है। शरीर को सुंदर और आकर्षक बनाने के लिये विशेष रूप से स्त्रियां अनेक प्रकार के आभूषणों का प्रयोग करती थीं। आभूषण के लिये राजस्थान के बीकानेर एवं जोधपुर राज्य का प्रेम केवल आकर्षण को ध्येय मानकर ही केन्द्रित न था परन्तु इनके माध्यम से वे अपना वर्गभेद एवं समाज में अपने स्तर का बोध प्रदर्शित करते थे। स्त्रियों की भांति पुरुषों में भी आभूषण धारण करने की परम्परा थी। भारत की भांति राजस्थान में भी मानव सौंदर्य प्रेमी रहा है। शरीर को आकर्षक बनाने के लिए स्त्रियां अनेक प्रकार के आभूषणों का प्रयोग करती थीं। बीकानेर एवं जोधपुर राज्य में पुरुष हाथों में कड़े, कुण्डल, भुजबंध, अंगूठी, गले में हार (माला) पहनने के शौकीन थे। स्त्रियां हाथों में चूड़ियां, कड़े, पैरों में खड़वे और गले में लटकन वाले हार पहनती थीं। कुलीन वर्ग की स्त्रियां सोने, चांदी, पीतल, तांबे, मोती व रत्न के आभूषण पहनती थीं। साधारण वर्ग की स्त्रियां कांसे, पीतल, तांबा, कौड़ी, सीप, मूंगे के गहनों से ही संतोष करती थीं। घुमक्कड़ जाति की स्त्रियां पांव में पीतल की पिंजनिया एड़ी से लगाकर घुटने के नीचे तक पहनती थी।

विवाह के अवसर पर पांवों में नूपुर, कानों में कुण्डल, गले में हार और सिर को मुकुट से सजाया जाता था। कुलीन वर्ग एवं साधारण वर्ग की स्त्रियां अपनी हैसियत के अनुसार आभूषणों का प्रयोग करती थीं। हंसली, बाजूबन्द, कर्णकुण्डल, कर्धनी (कंदोरा), मेखला और कैयूर आदि विविध प्रकार के आभूषणों से स्वयं को सुशोभित करती थीं। राजस्थान के बीकानेर एवं जोधपुर राज्य में आभूषणों का प्रचलन अधिकतर महाजन, राजपूत और ब्राह्मण जाति की औरतों में था। पुरुष केवल मुर्की, तोड़ा, करनौला, कड़ा, कंठा पहनते थे। पुरुष पैर में बाजर व कड़ा पहनते थे।

बीकानेर एवं जोधपुर राज्य में निम्नलिखित आभूषण प्रचलित थे :-

- (अ) सिर के आभूषण : सिर पर टीका, शीशफूल, रखड़ी, टिकड़ा, सांकली, बोरिया, भूटना खांचा।
- (ब) कानों के आभूषण : सुरलिया, गजरा कर्णफूल, पीपल पत्ता, फूल झुमका, झेला, लटकन।
- (स) नाक के आभूषण : बालियां, पत्तियां, नथ, चूनी तथा चोप।
- (द) गले के आभूषण : गलपट्टा, आड़तिमनिया, सांकली, माला, टेवटा, तुलसी, हालरों, बजट्टी, झालरों।

(य) हाथ के आभूषण : चूड़ी, टड्डा, कड़ा, अंगूठी अंगुली में पहनी जाती थी। बाजू, हथ सांकली, हथफूल, कंकण, नोगरी, चांट, गजरा, चूड़ी आदि हाथ में पहने जाने वाले आभूषण थे।

(र) कमर के आभूषण : तागड़ी।

(ल) पैरों के आभूषण : नेवरी, पायल, पगपान, बिछिया, पायजेब, घुंघरू। कड़ा, लंगर, पायल, नूपुर, झांवर। इसके अतिरिक्त बागड़ी, चांदसूरज, चंदार, जीभी, डूडी, कातरिया, बिछिया आदि पैरों आदि के आभूषण चांदी के बने होते थे, शेष आभूषण सोने एवं चांदी के बने होते थे।

कुलीन वर्ग की स्त्रियां, राजकुमारियां, महारानियां आदि सोने, चांदी, मोती एवं रत्नजड़ित आभूषण पहने जाते थे। जनसामान्य वर्ग की स्त्रियां तांबा, पीतल, चांदी और रूपा आदि के बने हुए आभूषणों का प्रयोग करती थीं। गहनों में घुंघरू, लूंब लगते थे तथा मोती, लाल, पन्ना, आदि परोये जाते थे। घड़ाई के अतिरिक्त जड़ाई और मीने का काम भी होता था। मध्य युग में कमर के नीचे सोने के आभूषण धारण करना एवं पहनना न केवल स्त्री-पुरुष बल्कि ऊँट, बैल, हाथी, गाय आदि आभूषण पहना कर शृंगार किया जाता था।

मुगलों का प्रभाव :

मुगलों के सम्पर्क में आने से बीकानेर एवं जोधपुर राज्य में पुरुषों एवं स्त्रियों में प्रचलित आभूषणों में माणक, मोती, हीरा, पन्ना, मूंगा, गोमेदक, नीलम, फिरोजा आदि बहुमूल्य नगीनों का प्रयोग कर आभूषणों को आकर्षक एवं सुन्दर बनाया गया। मुगलों के सम्पर्क व राजस्थान के बीकानेर एवं जोधपुर राज्य की पौशाकों में साड़ी, लहंगा, कुरता, घाघरा, केंचुकी पर सोने, चांदी, रत्नजड़ित आभूषणों एवं मीनाकारी का प्रयोग बढ़ गया। मुगलों के सम्पर्क से आभूषणों की विविधता में निम्नलिखित परिवर्तन परिलक्षित होते हैं—

(अ) पुरुष आभूषण : सम्राट व उच्च कुलीन वर्ग के लोग गले में मोतियों की माला तथा अंगुलियों में नगों व बहुमूल्य रत्नों से जड़ी हुई अंगुलियां तथा कमर में सुनहरी पेट्टी पहना करते थे।

(ब) स्त्री आभूषण : आदि काल से हिन्दू स्त्रियां प्रकृति से ही आभूषण प्रिय रही हैं। उनसे ही मुसलमान स्त्रियों ने आभूषण-रुचि व विविधता ग्रहण की।

शरीर के विभिन्न अंगों के लिए विविध प्रकार के आभूषणों का प्रयोग किया जाता था। स्त्रियों के सर्वाधिक महत्त्वपूर्ण तथा प्रिय आभूषण निम्नांकित थे—

(i) शीर्षाभूषण : टीका अथवा माँगटीका, झूमर, सुरजा, शीशफूल, मांग या मांगपट्टी आदि आभूषण प्रचलित थे।

(ii) कर्णफूल : कर्णफूल अथवा करनफूल एक स्वर्णाभूषण था। यह लगभग डेढ़ इंच व्यास का तारे के आकार का अथवा विकीर्ण केन्द्र होता था जो कान की लौ में दोनों प्रकार से छेदने की क्रिया द्वारा तथा कान के ऊपर से सोने के चेन लपेटकर, जिससे कर्णफूल का भार कान वहन कर सके, बांधा जाता था। इसके अतिरिक्त झुमका, मुरकी, बाला तथा लौंग आदि स्वर्णाभूषणों का प्रचलन था।

(iii) नासिकाभूषण : नाक के लिए नथ, नथनी व बुलाक तीन प्रमुख आभूषण थे।

(iv) ग्रीवाभूषण : मुगलों की स्त्रियों के आभूषणों से प्रेरित होकर राजस्थान की राजपूती स्त्रियों ने अपनी ग्रीवा को विभिन्न प्रकार के कण्ठहारों द्वारा विभूषित एवं आकर्षक किया गया जिनमें — चम्पाकली, दुलड़ी, ताबीज, मंजीरा, धुनधुनी, हमेल, चन्दनहार, हसंली, जंजीर तथा जुगनू आदि प्रमुख हैं।

(अ) **भुजा तथा कलाई के आभूषण** : भुजा तथा कलाई पर बाजूबन्द, नौतरन, कड़ा, चूड़ियां, कंगन, गोखरू आदि अनेक आभूषणों का प्रचलन था।

(vi) **अंगुलियों के आभूषण** : अंगूठी, आरसी तथा छल्ला अंगुलियों के प्रमुख आभूषण थे।

(vii) **कटि के आभूषण** : इन आभूषणों में करघनी अनेक जंजीरो से बनी एक आभूषण थी, जिसमें जंजीर एक धातु के पट्टे से जुड़ी होती थी। इसके अन्य प्रकार बंधी कमर तथा हकल-ए-कमर कहलाते थे।

(viii) **पैरो के आभूषण** : चरणों में धारण किए जाने वाले आभूषण तोड़े, कड़े, पाजेब, लच्छे, पायजुन, घुंघरू तथा पायल थे।

(iv) **पैर की अंगुलियों के आभूषण** : आंवट पैर के अंगूठे में पहना जाने वाला घुंघरू युक्त आभूषण था जबकि बिछवे पैर की अंगुलियों में पहने जाने का आभूषण था। जो पैरों के दोनों ओर पाजेब से सम्बद्ध रहते थे।

समग्र अध्याय का विश्लेषण यह प्रतिपादित करता है कि राजपूत शासकों ने मुगल अधीनस्थता ग्रहण करने के बाद इस परिपाटी से राजस्थान में न केवल परिधानों के नवीन प्रयोग प्रारम्भ हुए, बल्कि राजपूत पुरुष व स्त्रियों में भी वस्त्रों के प्रति वस्त्राभूषण (परिधान) शैली में एक नया दृष्टिकोण विकसित हुआ। वेशभूषा की विविधता, आकर्षकता, उसमें रत्नों, आदि को बारीकी से जड़ने की उत्कृष्ट कला समाज की सौंदर्य रुचि पर प्रकाश डालती है।

टीका अथवा मांगटीका : एक स्वर्णाभूषण होता था जिसे माथे पर धारण किया जाता था। यह रत्नजड़ित वृत्ताकार होता था जिसे माथे पर स्थिर कर लिया जाता था अथवा चिपका लिया जाता था फिर झूलते रहने दिया जाता था।

झूमर : यह एड़ त्रिकोणीय आभूषण होता था जिसे माथे पर एक ओर धारण किया जाता है।

झुमका : ठोस स्वर्ण का जरदोजी के कान से युक्त घण्टाकृति होता था।

मुरकी : यह कानों के लिए एक लघु झुमका होता था।

बाली और बाला : यह वर्तुलाकार रत्नजड़ित कर्णाभूषण था।

लौंग : यह कानों के लिए लवंगाकृति का आभूषण होता था।

नथ : नथ एक सूई के बराबर मोटे सोने के तार का आभूषण था, जिसे वाम नथूने में छेद कर पहना जाता था, जिसमें यथारीति हुक अथवा अंखुआ होते थे। यह वृत्ताकार होती थी जिसके वृत्त का व्यास डेढ़ इंच तक होता था।

नथनी : एक छोटी बाजी होती थी, जिसे कन्याएं वाम नथूने में धारण करती थीं।

बुलाक : यह नासिका का एक चपटे आकार का आभूषण था, जिसे स्वर्णिम पेंच के माध्यम से नासिका के बीच के पर्दे अथवा कोमलास्थि के मध्य छेद में अनुबद्ध कर लिया जाता था।

चम्पाकली : इसमें चम्पा पुष्प की आकृति के छोटे-छोटे लटककर स्वर्ण व रेशमी डोरी में गूंथे रहते थे।

दुलड़ी : रेशमी धागे में पिरोई मोतियों की दो पंक्तियों की माला होती थी। जब इसमें पंक्तियां तीन होती तो तिलड़ी, चार होने पर चौलड़ी तथा पांच होने पर पंचलड़ी कहलाती थी।

ताबीज : काली रेशमी डोरी में गुंथा हुआ चांदी का एक खोल होता था।

हमेल : यह कण्ठहार होता था जिसमें मुसलमान लघु कुरान ताबीज की भांति लटकाते थे। हिन्दुओं के कण्ठहार में लोक देवी देवताओं की मूर्ति या चौकोर (चौकी) लटकायी जाती थी।

चन्दनहार : अनेक जंजीरों से युक्त लम्बा कण्ठहार होता था।

हंसली : स्वर्ण या चांदी का ठोस कण होता था।

जंजीर : स्वर्ण या चांदी की माला होती थी।

जुगनू : एक लघु अर्द्ध चन्द्राकार आभूषण था, जो माला आदि के मध्य धारण किया जाता था।

बाजूबन्द : कोहनियों से ऊपर भुजाओं के ऊपरी भाग पर बांधा जाता था।

नौरतन : नौरतनों का संग्रह होता था जो स्वर्ण के एक टुकड़े पर जड़े रहते थे।

कड़ा : सोने अथवा चांदी का ठोस कलाई का आभूषण था।

चूड़ियां : लाख अथवा कांच की बनी होती थीं।

कंगन : एक ठोस कंगन था जिसमें घुण्डिया ऊपर की ओर होती थी।

गोखरू : एक ठोस कंगन होता था, जिसके सितारे दांतेदार होते थे।

अंगूठी : एक स्वर्ण एवं रत्नजड़ित मुद्रा होती थी जो किसी भी अंगुली में पहनी जा सकती थी

आरसी : इसे अंगूठे में पहना जाता था। इसमें नग के स्थान पर छोटा सा गोल दर्पण होता था।

छल्ला : नगयुक्त अथवा नगविहीन एक साधारण अंगूठी की तरह होता था।

तोड़े : जंजीर की तरह होते थे।

कड़े : चांदी अथवा सोने के ठोस आभूषण थे।

पाजेब : इसमें जंजीर के ऊपर चांदी के छल्ले लगे होते थे जिससे छोटे-छोटे घुंघरुओं की झालर होती थी जो अंग की प्रत्येक गति पर झुनझुनाते थे।

लच्छे : यह भी टखनों के आभूषण थे, जिनमें सैकड़ों छोटे-छोटे घुंघरू चलने पर छम-छम की आवाज करते थे।

पायजुन : छोटे घुंघरुओं से युक्त बच्चों के पैरों में बांधने का आभूषण था।

घुंघरू : इसमें प्रत्येक टखने के लिए प्रायः छः स्वर्ण घुंघरू होते थे, जो एक रेशमी कपड़े की पट्टी पर टंके होते थे।

पायल : सामान्य रूप से प्रयोग किया जाने वाला टखनों का आभूषण था जो अपनी मधुर रोमांचकपूर्ण ध्वनि के कारण युवतियों में अत्यधिक प्रिय था।

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महिलाओं के विरुद्ध शारीरिक अपराध : कारण एवं निवारण

पुष्पा शर्मा

शोधार्थी, विधि, श्याम युनिवर्सिटी, लालसोट दौसा (राज0)

परिचय :-

“यत्र नार्यस्तु पूज्यन्ते, रमन्ते तत्र देवता।” –मनुस्मृति

अर्थात् जिस घर में नारी का सम्मान होता है, वहां देवताओं का वास होता है। प्राचीन काल में महिलाओं को समाज में बहुत सम्मानजनक स्थान प्राप्त था। नारी को पुरुष की अर्धांगिनी के रूप में देखा जाता था। नारी का समाज में बहुत पूजनीय स्थान था। प्राचीन काल में भारतवर्ष में महिलाओं एवं पुरुषों में असमानता या भेदभाव जैसी कोई बात थी ही नहीं। महिलाओं को भी पुरुषों के समकक्ष स्थान प्राप्त था। गार्गी एवं मैत्रेयी जैसी विदुषियां भी यहां पर रही हैं जिन्होंने अपनी विद्वता का लोहा सभी को मनवाया था, परन्तु जैसे जैसे समय आगे बढ़ता गया महिलाओं की स्थिति में परिवर्तन होने लगा।

जहां महिलाओं को देवी स्वरूपा एवं लक्ष्मी समझा जाता था, वहीं अब महिलाओं के बारे में समाज की विचारधारा में परिवर्तन आने लगा। महिलाओं का पुरुषों के समकक्ष समझा जाना, अब लोगों को धीरे धीरे अखरने लगा और समाज में धीरे-धीरे पुरुष प्रधानता की सोच पैर पसारने लगी।

पुरुष वर्ग के मन मस्तिष्क के अन्दर यह बात फैलती जा रही थी कि महिलाएँ पुरुषों की अनुगामिनी होती हैं। वे पुरुषों के बराबर कभी नहीं हो सकती। लोग यह मानने लगे कि महिलाओं का सर्ववस्व पुरुष होते हैं, उनका जन्म ही पुरुष वर्ग को सुख प्रदान करने के लिये हुआ है।

इस प्रकार समय व्यतीत होता गया एवं महिलाओं की स्थिति बुरी होती गई। मध्य काल आते आते महिलाओं की स्थिति बहुत दयनीय हो गई थी। इस समय समाज पूरी तरह से पुरुष प्रधान हो चुका था, औरतो का जीवन बहुत नारकीय हो चुका था तथा वे पशुओं के समान अपना जीवन व्यतीत करने को मजबूर थी। उस समय जैसे महिलाओं का अपना स्वयं का तो कोई जीवन था ही नहीं। उस वक्त ना तो कोई महिलाओं की इच्छाओं के बारे में विचार करता था और ना ही उनके सपनों के बारे में।

यहां तक कि पुरुषों की नजर में महिलाओं के जीवन का कोई भी मूल्य नहीं था, इस समय पुरुषों की नजर में महिलाओं के जीवन का महत्व केवल घर का काम करने, बच्चे पैदा करने व शारीरिक सुख देने से अन्यथा कुछ भी नहीं था। नारी देवी से एक वस्तु बन चुकी थी और उन्हें उनके सभी मूलभूत अधिकारों से वंचित कर दिया गया था। इस समय समाज के लिये नारी केवल और केवल एक भोग की वस्तु थी, इससे ज्यादा कुछ भी नहीं।

आजादी के बाद भारत में महिलाओं के लिये कई प्रकार के कानून भी बने, परन्तु महिलाओं पर अत्याचार होना बन्द नहीं हुआ। वर्तमान में भी भारतीय प्रशासन महिला सुरक्षा के लिये कानूनों के तहत कई योजनाएँ संचालित कर रहा है, परन्तु इसके बावजूद भी महिलाओं पर होने वाले अत्याचारों में कमी नहीं आई है। महिलाओं के विरुद्ध अपराध एवं अत्याचार करने वाले खतरनाक देशों की सूचि में भारत चौथे स्थान पर है।

महिलाओं के प्रति अत्याचार का बढ़ना इस बात की ओर इंगित करता है कि हम बच्चों को नैतिकता की शिक्षा देने में काफी पीछे हैं। आधुनिकता के दौड़ में आज कल के बच्चे, मां-बहिन क्या होती हैं और उनके प्रति हमारा क्या दायित्व है, इस बात से अज्ञान हैं। यदि वे भारतीय संस्कृति को समझते तो महिलाओं के प्रति अत्याचार तो दूर की बात, उनका सब जगह सम्मान ही होता। अतः महिलाओं को अत्याचारों से मुक्त करना है तो हमें बच्चों को बचपन से ही उनका आदर करने की शिक्षा कूट-कूटकर भरनी होगी और उनका नजरिया महिलाओं के प्रति सकारात्मक बनाना होगा, तब ही महिला अत्याचारों में कमी आना संभव है। साथ ही महिलाओं को भी आत्मसुरक्षा के गुर सीखने होंगे।

महिलाओं के विरुद्ध होने वाले शारीरिक अपराध :-

महिलाओं के विरुद्ध मुख्य रूप से निम्न शारीरिक अपराध घटित होते हैं।

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|---------------------------|-------------------------------|
| 1. स्त्री की लज्जा भंग | 2. बलात्कार |
| 3. अप्राकृतिक मैथून | 4. गर्भपात |
| 5. दहेज मृत्यु | 6. अम्ल द्वारा कारित क्षति |
| 7. घरेलू हिंसा एवं मारपीट | 8. कार्य स्थल पर यौन उत्पीड़न |
| 9. निर्वस्त्र करना | 10. पीछा करना |
| 11. दृश्यरतिकता | |

महिलाओं के विरुद्ध शारीरिक अपराधों के मुख्य कारण एवं परिणाम :-

कानून की पेचीदगिया एवं समाज -

महिलाओं के प्रति अपराध बढ़ने की मुख्य कारण कानून की पेचीदगिया है। कानूनी जानकारी एवं सुलभता के अभाव में महिलाएँ अपने अधिकारों के प्रति सजग नहीं हैं, इस कारण महिलाओं की हत्या, बलात्कार, शोषण, उत्पीड़न की वारदाते लगातार बढ़ रही हैं। मात्र कानून बनाने से ही समस्या का समाधान नहीं होगा। सामाजिक जिम्मेदारी में भी सुधार की आवश्यकता है, महिलाओं को भी खुलकर शिकायत करनी होगी। महिलाओं चुप्पी और समाज क्या कहेगा वाली सोच अपराधी के होसले को और बुलन्द करती है। समाज की मोन स्वीकृति भी महिलाओं के विरुद्ध अपराध को बढ़ावा दे रही है।

पुलिस अन्वेषण -

महिलाओं के प्रति बढ़ने वाले अपराधों का एक मुख्य कारण पुलिस अन्वेषण में लगने वाला बहुत अधिक समय भी है। पुलिस द्वारा अपनी कार्यवाही पूर्ति में बहुत अधिक समय लिया जाता है, जिससे अपराधियों के होसले बुलन्द रहते हैं और महिलाओं के प्रति अपराधों की निरन्तरता में वृद्धि होती रहती है।

सामाजिक एवं नैतिक मूल्यों की कमी -

महिलाओं के विरुद्ध अपराध एवं अत्याचारों के बढ़ने का सबसे मूल कारण सामाजिक एवं नैतिक मूल्यों

का गिरता हुआ स्तर है। गुणवत्तापूर्ण एवं मूल्य परक शिक्षा ही इस निरन्तर बढ़ती समस्या का समाधान है।

जटिल कानूनी प्रक्रिया एवं व्यवस्था -

महिलाओं के विरुद्ध आपराधिक मामले इसलिए बढ़ रहे हैं क्योंकि आमजन में कानून का डर नहीं है। अपराधी को सजा दिलाने में ही वर्षों लग जाते हैं और उनको जमानत मिल जाती है, जिससे वे निडर होकर घूमते हैं। अगर सजा जल्द से जल्द दे दी जाये तो समाज में भय उत्पन्न होगा व अपराध में कमी आएगी।

सोशल मीडिया का अत्यधिक उपयोग -

सोशल का मीडिया का अंधाधुन्ध बढ़ने से लोगो को अश्लील सामग्री आसानी से उपलब्ध होने लगी है, जिसके कारण अपराधों में लगातार वृद्धि हो रही है। सोशल मीडिया भी महिलाओं के विरुद्ध अपराधो को बढ़ाने में मुख्य भूमिका निभा रही है। टेलीविजन, फिल्म व इन्टरनेट पर अश्लील दृश्य देखकर उत्तेजना बढ़ने के कारण व्यक्ति उत्तेजना संतुष्टि के लिये यौन अपराधों की ओर निरन्तर अग्रसर हो रहे हैं।

न्यायालयों का नरम रूख -

न्यायालय द्वारा महिला अपराधो के दोषी व्यक्तियों को भी कानूनी दायरे में लेकर नरम रूख अपनाते हुए कम सजा दिया जाना भी महिलाओं के विरुद्ध अपराधों के बढ़ने का एक मुख्य कारण है। यदि न्यायालय द्वारा महिला अपराधो के दोषी व्यक्तियों के प्रति नरम रूख ना अपनाकर सख्त से सख्त रूख अपनाया जाये तो महिला अपराधों में कमी लाई जा सकती है।

विकृत मानसिकता -

समाज में बढ़ती हुई विकृत मानसिकता भी महिला अपराधों का मुख्य कारण रही है। समाज में मानवता और मानवीय रिश्तो को शर्मसार करने वाले लोग महिलाओं को मात्र उपभोग की वस्तु समझते हैं। ऐसे पथभ्रष्ट एवं कुसंस्कारी लोगो की विकृत मानसिकता के कारण ही महिला अपराधों में निरन्तर वृद्धि हो रही है।

पुरुष प्रधानता -

हमारे भारत देश को पुरुष प्रधान देशों की सूचि में रखा जाता है तथा महिलाओं को पुरुषों की अनुगामिनी मानकर उन्हें पुरुषों के अनुसरण करने मात्र ही वस्तु समझा जाता है। शिक्षा एव सामाजिक परिप्रेक्ष्य से उन्हें दूर रखा जाता है और पुरुषो को ही महत्व दिया जाता है, ऐसी स्थिति में पुरुष स्वयं को महत्वपूर्ण मानकर महिलाओं के विरुद्ध अपराधों में वृद्धि कर ही देते हैं।

लैंगिक असमानता -

हमारे यहां महिला और पुरुषो में विभेद किया जाता है। महिलाओं को पुरुषों के बराबर ना तो सम्मान दिया जाता है और ना ही शिक्षा की सुविधाएं उपलब्ध कराई जाती हैं। महिलाओं को अबला समझकर उन्हें निरीह प्राणी मात्र का दर्जा दिया जाता है, जिससे महिलाएं भी स्वयं कुंठित रहती हैं और अपने विरुद्ध होने वाले अपराधों एवं अत्याचारों का खुलकर सामना नहीं कर पाती तथा महिला अपराधों को बढ़ावा मिलता है।

शिक्षा की कमी -

हमारे यहां पर पुरुषो की तुलना में महिलाओं का शिक्षा अनुपात बहुत कम रहता है, जिसके कारण महिलाओं को अपने अधिकारों की व्यापक रूप से जानकारी नहीं हो पाती। शिक्षा की कमी के कारण ही वे उनके समस्त अधिकारों से वंचित रहती हैं, क्योंकि उन्हें उनके कानूनी अधिकारों की जानकारी ही नहीं होती है।

निराकरण एवं सुझाव :-

निम्नांकित तरीके से महिलाओं पर हो रहे अपराधों एवं अत्याचारों से मुक्ति पाई जा सकती है -

- 1. कुरीतियों को समाप्त करें** - महिलाओं पर बढ़ते हुए अपराधों पर रोक लगाने के लिये हमें समाज की उन कुरीतियों को दूर करना होगा जो घरेलू हिंसा को बढ़ाती है, जैसे पुत्र ना होने पर महिला की उपेक्षा किया जाना, मासिक धर्म के दौरान उससे दोगुना दर्जे का व्यवहार किया जाना, इन कुरीतियों को समाप्त करके समाज में महिला पुरुष की समानता की सोच विकसित करना अति आवश्यक है।
- 2. महिला शिक्षा को प्रोत्साहित करना** - समाज में महिला शिक्षा को प्रोत्साहित कर महिलाओं के शिक्षा स्तर को बढ़ाना अति आवश्यक है। शिक्षित महिलाएँ ही अपने अधिकारों के प्रति जागरूक रह रक अपने अधिकारों को जान सकेंगी और उनके लिये लड़ सकेंगी। शिक्षित महिलाएँ ही महिलाओं के प्रति सामाजिक दृष्टिकोण में परिवर्तन ला सकती है और शिक्षा ही घरेलू हिंसा, बलात्कार, यौन उत्पीड़न आदि अपराधों से लड़ने में सहायक हो सकती है।
- 3. शीघ्र न्याय जरूरी** - महिलाओं की सुरक्षा एवं संरक्षण के लिये बने कानूनों की सफल क्रियान्वित तब ही हो सकती है जब महिलाओं को शीघ्र एवं त्वरित न्याय सुलभ हो। विधिक सेवा प्राधिकरण महिलाओं के लिये शीघ्र एवं त्वरित न्याय उपलब्ध कराने के लिये सजगता से कार्य कर रहे हैं, परन्तु मुकदमों की अत्यधिक संख्या के कारण शीघ्र न्याय सुलभ होने में कहीं ना कहीं कमी रह ही जाती है। इसलिये विधिक सेवा प्राधिकरण संस्थाओं को चाहिए कि वह महिलाओं के विरुद्ध होने वाले अपराधों के लिये अलग से अधिकरण की स्थापना करवायें, जिससे महिलाओं को शीघ्र अति शीघ्र न्याय सुलभ हो सकें।
- 4. नारी स्वावलम्बन ही उपाय** - जो नारिया हिंसा की शिकार होती है, उन्हें स्वावलम्बी बनाया जाये, इससे उनमें आत्मविश्वास बढ़ेगा, जिससे वे किसी भी हिंसा का मुकाबला कर सकेंगी। शिक्षित एवं स्वावलम्बन नारी ही समाज को शक्तिशाली बना सकती है।
- 5. विधायिका द्वारा सख्त कानून बनाना** - महिलाओं के विरुद्ध बढ़ने वाले अपराधों को रोकने के लिये विधायिका को भी महत्वपूर्ण भूमिका निभानी होगी। विधायिका द्वारा महिलाओं सुरक्षा एवं संरक्षण के लिये सख्त से सख्त कानूनों का निर्माण किया जाये, ताकि अपराधियों में कानूनों का भय बना रहे और महिला अपराधों में कमी हो सके।
- 6. नैतिक शिक्षा जरूरी** - यदि महिलाओं के विरुद्ध हो रहे अत्याचारों पर काबू पाना है तो हमें सर्वप्रथम नैतिक शिक्षा की ओर ध्यान देना है। बच्चों को बचपन से ही अच्छे संस्कार देने होंगे, जिससे बच्चों में महिलाओं के प्रति सम्मान की भावना अधिक से अधिक जाग्रत हो सके और महिला अपराधों में कमी की जा सकें।
- 7. खत्म करें पुरुषवादी सोच** - महिलाओं पर हो रहे अत्याचारों पर रोक लगाने के लिये बच्चों में ऐसे संस्कार पैदा करने होंगे, जिससे उनमें पुरुष एवं महिलाओं को समान समझने की मानसिकता विकसित हो। विद्यालय एवं कॉलेज के पाठ्यक्रम में परिवार से सम्बन्धित पाठ्यक्रम होने चाहिए। मनोवैज्ञानिक कक्षाओं का संचालन किया जाना चाहिए। महिला हिंसा की जड़ हमारी पुरुष वादी सोच है। इस सोच को समाप्त करके ही महिला हिंसा समाप्त की जा सकती है।
- 8. आपसी प्रेम जरूरी** - आपसी समझ में कमी, सहनशीलता का अभाव, आर्थिक और सामाजिक समस्याएँ

घरेलू हिंसा को बढ़ावा दे रही है और शिक्षा, संस्कृति, प्रेम और एक दूसरे के प्रति सम्मान की भावना ही घरेलू हिंसा पर प्रभावी रोग लगा सकती है। इसके अतिरिक्त घरेलू हिंसा रोकने के लिये कानून का कठोरता से पालन भी आवश्यक है।

9. समाज व कानून साथ मिलकर काम करें – देश में महिलाओं के प्रति बढ़ते अपराधों के मामले पर हमारे पास एक ही विकल्प है कि समाज एवं कानून दोनों अपने-अपने स्तर पर प्रयास करें। सबसे पहले सरकार को कड़े कानून बनाने चाहिए। उनको फास्टट्रेक कोर्ट स्थापित किये जाने चाहिए, ताकि पीड़ित को तुरन्त न्याय मिल सकें। दूसरी तरफ समाज से यह अपेक्षा की जाती है कि वह महिलाओं का सम्मान करने की परम्परा विकसित करें। समाज और कानून के आपसी समन्वय से ही इस समस्या से निजात पाई जा सकती है।

10. जागरूकता जरूरी – महिलाओं पर बढ़ते हुए अपराधों को रोकने के लिये महिलाओं से जुड़े हुए कानून एवं अधिनियमों को सटीक रूप देने की जरूरत है। ग्रामीण इलाकों में कानूनी की जानकारी का अभाव है एवं महिला अधिकारों की जागरूकता की कमी है। सरकार द्वारा समय-समय महिलाओं के अधिकारों से सम्बन्धित जागरूकता अभियान संचालित किये जाने चाहिए, ताकि ग्रामीण एवं शहरी सभी महिलाओं को उनके अधिकारों के बारे में पूर्ण जानकारी प्राप्त हो सके एवं उनके प्रति होने वाले अपराधों में कमी लाई जा सके।

11. प्रभावी कानून जरूरी – जब तक सरकार द्वारा महिलाओं पर हो रहे अत्याचारों के विरुद्ध सख्त से सख्त कानून नहीं बनाये जायेंगे एवं उनका अच्छे से क्रियान्वयन नहीं किया जायेगा, तब तक ऐसे अपराधों से मुक्ति नहीं पाई जा सकती।

12. पीड़ित के प्रति सम्मान – समाज में जिन महिलाओं के साथ शारीरिक अपराध एवं अत्याचार होता है, उनके प्रति बढ़ती हुई हीन भावनाओं पर रोक लगानी चाहिए। समाज में पीड़ित महिलाओं को हेय दृष्टि से नहीं देखा जाना चाहिए एवं पीड़ितों को उचित सम्मान दिया जाना चाहिए।

13. कानूनी प्रक्रिया का सरलीकरण – महिलाओं के विरुद्ध होने वाले अपराधों एवं अत्याचारों की शिकायतों के पश्चात उन पर शीघ्र एवं त्वरित कार्यवाही होनी चाहिए। कानून की जटिल प्रक्रिया में ऐसे प्रकरणों को नहीं रखना चाहिए। महिला महिलाओं के विरुद्ध अपराधों की शिकायतों में कानूनी प्रक्रिया को सरल रूप से अपनाया जाना चाहिए, ताकि पीड़ित महिलाएं कानूनी जटिलता में ना फसें और उन्हें न्याय शीघ्र एवं त्वरित सुलभ हो सकें।

पुलिस एवं अन्य सेवा संस्थानों से सम्बन्धित विशेष सुझाव :-

1. महिलाओं के प्रति सभी मामलों में प्राथमिकी दर्ज करने में किसी तरह का विलम्ब नहीं होना चाहिए।
2. प्राथमिकी में नामित सभी अभियुक्तों को पकड़ने के पूरे प्रयास किये जाने चाहिए, ताकि पीड़ित और उसके परिवार के सदस्यों में विश्वास पैदा की जाये।
3. महिलाओं के प्रति अपराध प्रकोष्ठों के हेल्प लाईन नम्बरों को बड़े-बड़े अंकों में अस्पतालों, स्कूलों, कॉलेजों के परिसरों और अन्य उपयुक्त स्थानों पर प्रदर्शित किया जाना चाहिए।
4. पुलिस थानों में महिला पुलिस प्रकोष्ठ और पृथक रूप से महिला पुलिस थाना आवश्यकतानुसार स्थापित किये जाने चाहिए।
5. जिन पुलिस पदाधिकारियों को महिलाओं की रक्षा करने की जिम्मेदारी सोपी गई है, उन्हें पर्याप्त रूप से

सुग्राही बनाया जाना चाहिए।

6. महिलाओं के प्रति अत्याचारों से सम्बन्धित मामलों पर कार्यवाही करने वाले पुलिस कार्मिकों को विशेष कानूनों में पर्याप्त रूप से प्रशिक्षित किया जाना चाहिए। प्रवर्तन पहलू पर पर्याप्त रूप से जोर दिया जाना चाहिए, ताकि इसे सुचारू बनाया जा सकें।
7. राज्य पुलिस बल में व्यापक रूप से महिला पुलिस पदाधिकारियों की भर्ती की जाना चाहिए।
8. महिलाओं के हित सम्बन्धी कार्य करने वाली पुलिस और एन0जी0ओ0 के बीच निकट समन्वय सुनिश्चित किया जाना चाहिए।
9. स्थानीय पुलिस को प्रभावित क्षेत्र और विशेष रूप से समाज के कमजोर वर्गों के स्थानीय क्षेत्रों में गश्त लगाने की व्यवस्था करनी चाहिए।
10. अपराध के सदमें से उभरने के लिये पीड़ितों के साथ-साथ उनके परिवार को पेशेवर परामर्श दाताओं के माध्यम से परामर्श दिये जाने की जरूरत है।
11. जो महिलाएं पीड़ित हैं, उनके कल्याण और पुनर्वास के लिये विकसित योजनाओं की कारगरता में सुधार किये जाने की जरूरत है।

महिलाओं के विरुद्ध होने वाले अपराधों का समाधान केवल कानून के तहत अदालतों में ही नहीं किया जा सकता, बल्कि इसके लिये एक समग्र दृष्टिकोण और पूरे पारिस्थितिक तंत्र को बदलना आवश्यक है, इसके लिये कानून निर्माताओं, पुलिस अधिकारियों, फोरेन्सिक विभाग, अभियोजको, न्यायपालिका, चिकित्सा और स्वास्थ्य विभाग, गैर सरकारी संगठनों, पुनर्वास केन्द्रों सहित सभी हितधारकों को मिलकर कार्य करने की आवश्यकता है।

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विधिक सेवा प्राधिकरण में महिलाओं की भूमिका एवं अधिकार

अभिषेक शर्मा

शोधार्थी, श्याम युनिवर्सिटी, लालसोट, दौसा (राज0)

परिचय :-

“विधिक सेवा” शब्द ही अपने आप में वृहद अर्थ देने वाला शब्द है। आदिकाल से ही इस शब्द का प्रयोग करते हुए विधिक सेवा की जाती रही है। आधुनिक युग में केवल इसका प्रारूप बदल गया है।

हमारे देश में वर्तमान कानून व्यवस्था अंग्रेजी शासन की ही देन है। अंग्रेजी शासन के दौरान हमारे देश को शासन एवं कानूनी व्यवस्था तो मिली, परन्तु आम भारतीय का शोषण भी हुआ। शोषण का ही कारण था कि हमारा भारत देश जो “सोने की चिड़िया” कहा जाता था, निर्धनता, अपिक्षा, अज्ञानता, अंधविश्वास आदि में जकड़ता चला गया।

स्वतंत्रता प्राप्ति के इतने वर्षों के बाद भी समाज का एक बहुत बड़ा वर्ग अशिक्षा, अज्ञानता, अंधविश्वास व कुरीतियां, चेतना व जाग्रति का अभाव, विधि की अज्ञानता आदि के कारण न्याय से वंचित है तथा देश की विधियों से अनभिज्ञ है। उनके अधिकारों के अनुरूप उन्हें मिलने वाला न्याय आज भी उनके लिये मृगतृष्णा बना हुआ है।

वहीं दूसरी ओर हमारे देश का संविधान -

भारत में समाजवादी, पंथ निरपेक्ष, लोकतंत्रात्मकगण राज्य की स्थापना।

सामाजिक, आर्थिक, राजनैतिक न्याय,

विचार, अभिव्यक्ति, विश्वास, धर्म और उपासना की स्वतंत्रता,

प्रतिष्ठा एवं अवसर की समानता

आदि का अवगाहन करता है।

संविधान भारत देश में सर्वोपरि होने पर भी उसकी मंशा पूर्ति नहीं होते हुए आमजन को न्याय सुलभ नहीं हो पाना हमारे लिये एक विडम्बना है और ऐसा प्रतीत होता है कि संविधान की समस्त अवधारणाएँ केवल पन्नों में सिमट कर रह गई है।

उपरोक्त सभी परिस्थितियों की ओर जब हमारे देश की विधिवेत्ताओं एवं न्यायविदों का ध्यान गया तब उन्होंने अनुभव किया कि भारत के लोगो को और विशेष रूप से समाज के कमजोर वर्गों को सस्ता व त्वरित न्याय सुलभ होना चाहिए तब ही संविधान की मूल अवधारणा फलीभूत हो सकेगी अन्यथा सभी धूमिल हो जायेगी।

संविधान की मूल अवधारणा को मध्यनजर रखते हुए भारतीय आमजन को विधिक सेवाएँ प्रदान करने के

लिये भारतीय संसद द्वारा विधिक सेवा प्राधिकरण अधिनियम 1987 अधिनियमित किया गया, जो हमारे देश में 11 अक्टूबर 1987 से लागू है। इस अधिनियम का मूल उद्देश्य भारत के दूर दराज क्षेत्रों में रहने वाले गरीब व असहाय लोगो को न्याय प्राप्त करने की सुविधा उपलब्ध कराना था, जिससे ग्रामीण क्षेत्रों के लोगो को सस्ता एवं त्वरित न्याय मिल सके तथा केवल अर्थाभाव के कारण ही कोई व्यक्ति न्याय से वंचित नहीं रहे।

विधिक सेवा प्राधिकरण अधिनियम 1987 की उद्देशिका -

“समाज के कमजोर वर्गों को, यह सुनिश्चित करने के लिये कि आर्थिक या अन्य निर्योग्यता के कारण कोई नागरिक न्याय प्राप्त कर पाने के अवसर से वंचित ना रह जाये, निःशुल्क एवं सक्षम विधिक सेवा उपलब्ध कराने के लिये विधिक सेवा प्राधिकरण गठन करने और यह सुनिश्चित करने के लिये कि विधिक प्रणाली का प्रवर्तन समान अवसर के आधार पर न्याय का संवर्धन करें, लोक अदालत आयोजित करने के लिये अधिनियम।”

स्पष्ट करती है कि इसके अन्तर्गत गठित विधिक सेवा प्राधिकरण समाज के कमजोर वर्गों को निःशुल्क एवं सक्षम विधिक सेवाएँ प्रदान करते हुए यह सुनिश्चित करेगा कि आर्थिक या अन्य निर्योग्यता के कारण कोई न्याय से वंचित न रहे तथा समान के अवसर के आधार पर विधि की व्यवस्था एवं न्याय प्रोत्साहित हो। इसे सुनिश्चित करने के लिये लोक अदालत का गठन किया गया है।

विधिक सेवा प्राधिकरण अधिनियम 1987, प्राधिकरणों पर दायित्व अधिरोपित करता है कि प्राधिकरण, अधिनियम में बताये गये विधिक सेवा के हकदार व्यक्तियों को विधिक सेवाएँ प्रदान करें ताकि भारतीय संविधान की मूल अवधारणायें यथा अनुच्छेद-14, अनुच्छेद-19, अनुच्छेद-21, अनुच्छेद-39(क) इत्यादि भलीभूल हो सकें एवं लोक अदालतों के गठन से सस्ता एवं त्वरित न्याय सुलभ हो सके, परन्तु विधिक सेवा प्राधिकरण का गठन केवल लोक अदालतों के आयोजन एवं विधिक सहायता प्रदान करने हेतु ही नहीं हुआ है, बल्कि जन साधारण को विधिक साक्षरता एवं विधिक चेतना प्रदान करना भी इनका उद्देश्य है तथा संविधान के महत्वपूर्ण प्रावधानों की जानकारी भी असहाय लोगो तक पहुंचाना इनका लक्ष्य है।

राष्ट्रीय विधिक सेवा प्राधिकरण सम्पूर्ण देश में विधिक सेवा प्रदान करने हेतु नीतियाँ एवं स्कीम निर्धारित करने वाली शीर्षस्थ संस्था है। इसके द्वारा बनाई गई नीतियों एवं योजनाओं की परिणति राज्य विधिक सेवा प्राधिकरण के अधीनस्थ रहकर समस्त जिला विधिक सेवा प्राधिकरण एवं तालुका विधिक सेवा समिति द्वारा की जाती है।

जहां तक राजस्थान राज्य के परिप्रेक्ष्य में बात की जावे तो राष्ट्रीय विधिक सेवा प्राधिकरण के अधीनस्थ यहां राजस्थान राज्य विधिक सेवा प्राधिकरण (RSLSA) है, जिसका गठन 07 अप्रैल 1998 को विधिक सेवा प्राधिकरण अधिनियम 1987 की धारा 6 के अनुसार किया गया, इसका प्रधान कार्यालय राजधानी जयपुर में स्थित है। अधिनियम के तहत विधिक सेवा उपलब्ध कराने के कार्य इस प्राधिकरण द्वारा अपने अधीनस्थ जिला विधिक सेवा प्राधिकरणों से कराये जाते हैं।

चूंकि अधिनियम की धारा 28 में नियम बनाने की शक्ति राज्यों को, धारा 29 में विनियम बनाने की शक्ति राज्य विधिक सेवा प्राधिकरण को तथा धारा 30 में नियम-विनियम को अभिकथित करने की शक्ति राज्यों को प्रदत्त की गई है। उक्त शक्तियों के तहत राजस्थान राज्य में विधिक सेवा सम्बन्धी अधिनियम प्रथम बार सन 1995 में बनाये गये, जिन्हें राजस्थान राज्य विधिक सेवा प्राधिकरण नियम 1995 कहा जाता है। समय-समय पर परिस्थितियों के अनुरूप इनमें संशोधन होते रहे यथा सन 2000, 2001, 2011, 2013, 2017 आदि। इसी प्रकार

राजस्थान राज्य विधिक सेवा प्राधिकरण विनियम 1999 प्रथम बार बनाये गये जिनमें सन 2012 व सन 2017 में संशोधन किये जा चुके हैं। इन्ही नियमों व विनियमों के अधीन रहते हुए राजस्थान राज्य में विधिक सेवाएँ उपलब्ध कराई जा रही हैं।

राजस्थान राज्य विधिक सेवा प्राधिकरण द्वारा मुख्य रूप से 4 प्रकार की विधिक सेवाएँ उपलब्ध कराई जा रही हैं :-

- | | |
|-----------------|-------------------|
| 1. विधिक सहायता | 2. लोक अदालत |
| 3. मध्यस्थता | 4. विधिक जागरूकता |

वर्तमान में राजस्थान राज्य विधिक सेवा प्राधिकरण द्वारा जिला विधिक सेवा प्राधिकरण के माध्यम से मुख्य रूप से निम्न योजनाओं पर कार्य किया जा रहा है -

1. निःशुल्क विधिक सलाह एवं सहायता
2. विधिक साक्षरता
3. विधिक सहायता क्लिनिक
4. पीड़ित प्रतिकर योजना 2011
5. राजस्थान साक्षी संरक्षण योजना 2020
6. मुकदमों के निस्तारण की वैकल्पिक व्यवस्था
7. वरिष्ठ नागरिकों, बच्चों, श्रमिकों, रोजगार जनित बीमारियों के पीड़ितों, यौन कर्मियों, बंदियों, मानसिक रोगियों, महिलाओं, आदिवासियों एवं कमजोर वर्गों के लिये बनाई गई जन कल्याणकारी योजनाओं के क्रियान्वयन में सहयोग।

8. विधिक जागरूकता के साथ-साथ समाज के कमजोर वर्गों को लोक कल्याणकारी योजनाओं का लाभ दिलाने की अभिनव योजना - विधिक सेवा शिविर।

इस प्रकार राजस्थान राज्य विधिक सेवा प्राधिकरण द्वारा समाज के कमजोर वर्गों को निःशुल्क विधिक सहायता प्रदान करने हेतु निःशुल्क अधिवक्ता सेवाएँ, सलाह, सहायता, विधिक सेवा क्लिनिक, विधिक सहायता क्लिनिक, विधिक साक्षरता क्लबों की स्थापना, प्रो-बोनो सेवा, विवादों का सौहार्दपूर्ण समाधान करने के लिये लोक अदालत व मध्यस्थता, अपराध के पीड़ितों की समाज में पुनर्स्थापना हेतु पीड़ित प्रतिकर स्कीम 2011 सहित जनसामान्य एवं विविध कानूनों, सामाजिक मुद्दों, समाज में व्याप्त कुरीतियों के सम्बन्ध में विधिक सहायता शिविरों का आयोजन आदि अनेकानेक नवीन पहलों का आयोजन किया जा रहा है।

विधिक सेवा प्राधिकरण में महिलाओं की भूमिका :-

विधिक सेवा प्राधिकरण का मुख्य कार्य समानता के अवसर के आधार पर न्याय सुलभ कराना तथा यह सुनिश्चित करना कि अर्थाभाव या अन्य किसी निर्योग्यता के कारण कोई भी व्यक्ति न्याय से वंचित ना रहें। इसी के साथ समय-समय पर जारी परिपत्रों के अनुसार विधिक सेवा प्राधिकरणों द्वारा समाज के लिये विशेष कार्य भी किये जाते हैं। विधिक सेवा प्राधिकरण में महिलाओं की अपनी एक विशेष एवं महती भूमिका है। महिलाएँ इस समाज सेवी कार्य में अपना विशेष स्थान रखती हैं। निम्न बिन्दुओं के अनुसार महिलाएँ विधिक सेवा प्राधिकरण के सामाजिक एवं न्यायिक कार्यों में अपनी विशेष भूमिका निभा सकती हैं।

1. **पैनल अधिवक्ता के रूप में** - अधिवक्ता के रूप में महिला अधिवक्ताओं को विशेष स्थान दिया जाता है। राष्ट्रीय विधिक सेवा प्राधिकरण (निःशुल्क एवं सक्षम विधिक सेवाएं) विनियम, 2010 के संशोधित विनियम 8 के अधीन विधिक सेवा सहायता प्रदान के लिये राज्य प्राधिकरण द्वारा समस्त जिला विधिक सेवा प्राधिकरणों एवं समस्त तालुका विधिक सेवा समिति के लिये पैनल अधिवक्ताओं के पैनल का गठन किया जाता है। पैनल के गठन में अनुसूचित जाति, अनुसूचित जनजाति, महिला और दिव्यांग अधिवक्तागण को पर्याप्त प्रतिनिधित्व प्रदान किया जाता है। पैनल अधिवक्ता की सेवाएं पीड़ित को निःशुल्क सेवाएं दिये जाने के अलावा लीगल एड क्लिनिक, लोक अदालत, विधिक जागरूकता कार्यक्रम, फ्रंट ऑफिस, नालसा व रालसा की स्कीमों के प्रभावी क्रियान्वयन हेतु भी ली जाती है। महिलाओं को पैनल के गठन में विशेष स्थान दिया जाता है। महिला अधिवक्ता उक्त पैनल से जुड़कर पैनल अधिवक्ता के रूप में विधिक सेवा प्राधिकरण के द्वारा किये जा रहे कार्यों में अपनी महत्वपूर्ण भूमिका निभा सकती है।

2. **पैरालीगल वॉलंटियर्स के रूप में** - पैरालीगल वॉलंटियर्स विधिक सेवा प्राधिकरण के महत्वपूर्ण स्तंभ है, जिसके माध्यम से विविध गतिविधियों का संचालन किया जाता है। पैरालीगल वॉलंटियर्स को आमजन में जागरूकता फैलाने, विधिक साक्षरता शिविर आयोजित करने, कानूनी सेवा क्लिनिक के माध्यम से नालसा एवं रालसा की विभिन्न स्कीमों का प्रचार-प्रसार करने इत्यादि कार्यों के लिये नियुक्त किया जाता है। पैरालीगल वॉलंटियर्स पीड़ित एवं प्राधिकरण के बीच में कड़ी के रूप में कार्य करते हैं। पैरालीगल वॉलंटियर्स का चयन जिला विधिक सेवा प्राधिकरण द्वारा किया जाता है तथा उन्हें नालसा के निर्देशों के अनुरूप अपने कार्यों को सुचारू रूप से संपादित करने के लिये प्रशिक्षित भी किया जाता है। पैरालीगल वॉलंटियर्स के चयन में महिलाओं को प्राथमिकता दी जाती है। पैरालीगल वॉलंटियर्स के रूप में सामान्यतः आंगनबाड़ी महिला कार्यकर्ता, ट्रेनी महिला अधिवक्ता, विधि के छात्र-छात्रा आदि का चयन किया जाता है। महिलाएं पैरालीगल वॉलंटियर्स के रूप में विधिक सेवा प्राधिकरण द्वारा आयोजित कार्यक्रमों और विधिक सेवाओं में अपना एक विशेष स्थान एवं महत्वपूर्ण भूमिका रखती हैं।

3. **किशोर न्याय बोर्ड हेतु बाल मित्र के रूप में** - विधि से संघर्षरत बालकों, जरूरतमंद बालकों, बालसाक्षी व बाल अपराध पीड़ितों को समुचित संरक्षण, उपचार एवं मैत्रीपूर्ण दृष्टिकोण से किशोर न्याय व्यवस्था एवं आपराधिक न्याय व्यवस्था में सेवाओं सहित उनके पुनर्वास एवं उनके समेकित व आनुषंगिक प्रयासों सहित प्रभावी विधिक सेवाएं उपलब्ध कराने हेतु बाल मित्र योजना लागू की गई है। जिसके तहत प्रत्येक जिले में दो 6 पैरालीगल वॉलंटियर्स का चयन कर उन्हें सघन ट्रेनिंग दी गई है, ताकि बाल न्यायालय, किशोर न्याय बोर्ड व बाल कल्याण समिति के समक्ष आने वाले उपरोक्त बालकों का उचित प्रतिनिधित्व किया जा सके। बाल मित्र के चयन के रूप में भी महिला पैरालीगल वॉलंटियर्स को प्राथमिकता दी जाती है, क्योंकि महिला बालकों से ठीक प्रकार से मातृत्व भाव के तहत वार्ता कर उनके मन की बात जानकर उनका ठीक प्रकार से प्रतिनिधित्व कर सकती है, इस प्रकार विधिक सेवा प्राधिकरण की बाल मित्र योजना में महिलाएं अपना एक विशेष योगदान प्रदान कर अपनी भूमिका विशेष बना सकती हैं।

4. **किशोर न्याय बोर्ड हेतु पैनल अधिवक्ता के रूप में** - किशोर न्याय बोर्ड हेतु पैनल अधिवक्ता किशोर न्याय बोर्ड के समक्ष प्रस्तुत होने वाले प्रत्येक विधि से संघर्षरत बालक को निःशुल्क एवं सक्षम विधिक सहायता प्रदान

करने हेतु राजस्थान के प्रत्येक जिले में किशोर न्याय बोर्ड हेतु समर्पित पैनल का गठन किया जाता है, जो किशोर न्याय बोर्ड के समक्ष प्रस्तुत होने वाले प्रत्येक बालक का, जिसमें चाहे अधिवक्ता हो, या ना हो प्राधिकरण की ओर से प्रतिनिधित्व करते हैं। उक्त पैनल में भी महिलाओं के लिये विशेष स्थान आरक्षित है। उक्त स्थानों पर महिला अधिवक्ता चयनित होकर अपनी सेवाएं दे सकती है तथा महिला अधिवक्ता के रूप में विधिक सेवा प्राधिकरण में अपनी विशेष भूमिका निभा सकती है।

5. महिला विधिक सहायता क्लिनिक - महिलाओं व बालिकाओं के लिये जिला मुख्यालय पर जिला विधिक सेवा प्राधिकरण के कार्यालय में महिला विधिक सहायता क्लिनिक की स्थापना की गई है, जिस पर महिला पैनल अधिवक्ता द्वारा प्रत्येक कार्य दिवस पर विधिक सहायता हेतु आने वाली महिलाओं को निःशुल्क विधिक सहायता एवं परामर्श प्रदान किया जाता है। यह राजस्थान राज्य विधिक सेवा प्राधिकरण की एक अनोखी योजना है जिसमें महिलाओं की एक महत्वपूर्ण भूमिका है। महिला विधिक सहायता क्लिनिक पर महिलाओं द्वारा महिलाओं को विधिक सेवाएं दी जाती हैं।

6. वन स्टॉप काइसिस सेन्टर के रूप में - यह राजस्थान राज्य विधिक सेवा प्राधिकरण द्वारा स्थापित अनोखा क्लिनिक है। वन स्टॉप काइसिस सेन्टर एकल खिड़की के रूप में कार्यरत है, इनकी स्थापना का मुख्य उद्देश्य चिकित्सकीय सहायता, हिंसा से संरक्षण एवं विधिक सहायता चाहने वाली महिलाओं को एक ही केन्द्र के माध्यम से सभी सेवाएं उपलब्ध करवाना है। विधिक सेवा प्राधिकरण की यह योजना भी महिलाओं को विशेष स्थान प्रदान करती है। इस सेन्टर पर महिला पैनल अधिवक्ता कालिक रूप से अपनी सेवाएं प्रदान कर विधिक सेवा प्राधिकरण में महिलाओं की एक विशेष भूमिका को स्थापित कर सकती है।

7. विधिक साक्षरता क्लब - राष्ट्रीय विधिक सेवा प्राधिकरण के आउटरीच कार्यक्रम के अन्तर्गत राजस्थान राज्य विधिक सेवा प्राधिकरण द्वारा स्कूली विद्यार्थियों में जागरूकता बढ़ाने के उद्देश्य से वीडियो कॉन्फ्रेसिंग के जरिये प्रदेश में स्थित उच्च माध्यमिक स्तर के विद्यार्थियों के लिये विधिक साक्षरता क्लब का शुभारंभ किया गया। संस्थापित विधिक साक्षरता क्लब विद्यालय के प्रीसिपल से समन्वय करते हुए विधिक साक्षरता क्लब के इंचार्ज का चयन किया जाता है। इस योजना में महिला अध्यापिकाओं को अपनी भूमिका इंचार्ज के रूप में वरीयता से निभानी चाहिए, क्योंकि महिला अध्यापिकाएं बढ़ती उम्र के बालकों की भावनाओं को अपने मातृत्व एवं मित्रत्व व्यवहार से समझकर उन्हें उचित प्रकार की विधिक साक्षरता प्रदान कराने में अधिक प्रभावी रहती हैं। इस प्रकार महिला अध्यापिकाएं विधिक सेवा प्राधिकरणों में अपनी महत्वपूर्ण भूमिका निभा सकती हैं।

8. विधिक सेवा क्लिनिक - गरीब व समाज के कमजोर वर्ग को तुरन्त विधिक सहायता मिल सके, इसी उद्देश्य की पूर्ति के लिये राजस्थान राज्य के विभिन्न जिलों में स्थित पंचायत समिति मुख्यालय पर राष्ट्रीय विधिक सेवा प्राधिकरण (लीगल एड क्लिनिक) स्कीम, 2010 व रेग्यूलेशन, 2011 के तहत राजस्थान राज्य विधिक सेवा प्राधिकरण द्वारा पंचायत समितियों में वीडियो कॉन्फ्रेसिंग द्वारा विधिक सेवा क्लिनिक खोले गये हैं। उक्त विधिक सेवा क्लिनिक में रालसा, नालसा के जन कल्याणकारी योजनाओं की सूचना पुस्तिकाएं, संचालित योजनाओं की जानकारी आदि उपलब्ध करवाये जाते हैं। उक्त क्लिनिक बालकों के मैत्रीपूर्ण विधिक सेवा केन्द्र के रूप में कार्य करेंगे, जिस पर बच्चों से सम्बन्धित सूचनाएं भी उपलब्ध होंगी तथा यह भी सुरक्षित करेंगे कि बालकों के अधिकारों का संरक्षण हो। चूंकि उक्त क्लिनिक बालकों से सम्बन्धित है, ऐसी स्थिति में महिला पैरालीगल

वॉल्यूमीयर्स उक्त विधिक सेवा क्लिनिकों पर अपनी महत्वपूर्ण भूमिका निभा सकती है।

9. रिटेनर अधिवक्ता के रूप में - जिला विधिक सेवा प्राधिकरण के पैनल अधिवक्ताओं में से ही रिटेनर अधिवक्ता का चयन किया जाता है। इसमें एक मुख्य और दो आरक्षित पैनल अधिवक्ताओं को रखा जाता है। आरक्षित अधिवक्ताओं में एक महिला पैनल अधिवक्ता का होना आवश्यक है। इससे स्पष्ट है कि विधिक सेवा प्राधिकरण रिटेनर अधिवक्ता के रूप में भी महिलाओं को विशेष स्थान प्रदान करता है और रिटेनर अधिवक्ता के रूप में महिला पैनल अधिवक्ता जिला विधिक सेवा प्राधिकरण के फ्रंट ऑफिस पर अपनी विधिक सेवा प्रदान कर विधिक सेवा प्राधिकरण में अपनी महत्वपूर्ण भूमिका निभाती है।

10. विधिक सहायता जन बचाव अधिवक्ता के रूप में - यह सेशन विचारणीय प्रकरणों में निःशुल्क एवं सक्षम विधिक सहायता प्रदान करने के उद्देश्य से आरोपित व्यक्ति की ओर से पैरवी करने हेतु योग्य अधिवक्ता की सेवाएं प्रदान किये जाने की योजना है, जो राजस्थान राज्य विधिक सेवा प्राधिकरण के द्वारा सम्पूर्ण राजस्थान में ही लागू नहीं की गई है, केवल भरतपुर में इसकी शुरुआत की गई है। इसमें मुख्य जन बचाव अधिवक्ता, उपजन अधिवक्ता और सहायक जन बचाव अधिवक्ता के रूप में आपराधिक विधिक में कार्य अनुभव रखने वाले अधिवक्ता का चयन किया जाता है। इसमें महिला अधिवक्ता अपनी सेवाएं देकर विधिक सेवा प्राधिकरण में अपनी विशेष भूमिका निभा सकती है।

विधिक सेवा प्राधिकरण द्वारा महिला अधिकारों के सम्बन्ध में किये जाने वाले कार्यक्रम :-

1. बाल विवाह निषेध अभियान - राजस्थान में बाल विवाह का प्रचलन बहुत ज्यादा है, विशेषतः ग्रामीण क्षेत्रों में। महिला सुरक्षा एवं संरक्षण के तहत राजस्थान में बाल विवाह रोकने के लिये बाल विवाह निषेध अभियान का संचालन विधिक सेवा प्राधिकरण द्वारा किया गया। अभियान के दौरान जागरूकता कार्यक्रम, रेली और टॉक शो का आयोजन, जिला, ब्लॉक व ग्राम स्तर पर किया गया। टॉक शो के दौरान बाल विवाह निषेध अधिनियम 2006 का प्रचार-प्रसार किया गया। इस अभियान का उद्देश्य बाल विवाह के दुष्प्रभावों के बारे में माता-पिता और समुदाय के बीच में जागरूकता बढ़ाना, बाल विवाह के खिलाफ कानून के प्रभावी क्रियान्वयन के लिये बाल विवाह निषेध अधिनियम, 2006 के निवारक प्रावधानों की जानकारी देना है। अभियान को सार्थक बनाने के लिये बाल विवाह रोकने जैसे पोस्टर्स, स्टीकर्स, बैनर्स इत्यादि बनवाकर प्रचार सामग्री के रूप में बटवाये गये।

2. स्वास्थ्य केन्द्रों का निरीक्षण - प्रसूति केन्द्र की उपलब्धता, नवजात देखभाल इकाई/चिकित्सा एवं पेटा मेडिकल स्टाफ की उपलब्धता, लेबर रूम में सुविधाओं की उपलब्धता आदि का निरीक्षण समस्त जिला विधिक सेवा प्राधिकरणों के सचिवगणों द्वारा किया जाता है तथा उसकी संकलित रिपोर्ट उच्च न्यायालय के समक्ष भी प्रस्तुत की जाती है। जिला विधिक सेवा प्राधिकरण का यह कार्य महिला अधिकारों के संरक्षण के लिये ही किया जाता है।

3. नारी निकेतन और प्रसूति गृहों का निरीक्षण - महिला सुरक्षा एवं संरक्षण को देखते हुए विधिक सेवा प्राधिकरण द्वारा नारी निकेतन एवं प्रसूति केन्द्रों में दी जानी वाली सुविधाओं में सुधार के लिये मासिक निरीक्षण किया जाता है। यह निरीक्षण स्पष्ट रूप से महिला अधिकारों के प्रति विधिक सेवा प्राधिकरण की जागरूकता को प्रदर्शित करता है।

4. निःशुल्क विधिक सहायता - कारागृहों में निरुद्ध बंदियों को निःशुल्क विधिक सलाह संरक्षण एवं विधिक

सहायता प्रदान करने हेतु उन्हें निःशुल्क अधिवक्ता की सेवाएं प्रदान की जाती हैं। निःशुल्क विधिक सहायता की स्कीम में महिला बंदी का विशेष रूप से ध्यान रखते हुए उसकी सुरक्षा एवं संरक्षण हेतु उसे शीघ्र एवं नियत विधिक सहायता उपलब्ध कराई जाती है।

5. जेलों का साप्ताहिक एवं मासिक निरीक्षण – कारागृह में प्रत्येक सप्ताह होने वाले जेल निरीक्षण को प्रभावी बनाने के लिये एक टीम ऑफ विजिटर्स गठित की जाती है, जिसमें सचिव, जिला विधिक सेवा प्राधिकरण, एक महिला पैनल अधिवक्ता तथा एक अन्य पैनल अधिवक्ता सम्मिलित हैं। उक्त टीम प्रत्येक सप्ताह जेल का निरीक्षण करती है और सामान्य रूप से साफ-सफाई, भोजन, निरुद्ध व्यक्तियों को लीगल एड इत्यादि के बारे में जानकारी प्राप्त करती है। निरीक्षण के समय निरुद्ध व्यक्तियों से वास्तविक संवाद किया जाता है। महिला पैनल अधिवक्ता का विशेष रूप से कार्य महिला जेल निरीक्षण का होता है और महिला बंदियों से संवाद कर उनकी सुरक्षा, संरक्षण, भोजन, चिकित्सा, साथ रह रहे बालकों की देख-रेख इत्यादि की जानकारी प्राप्त कर उन्हें समुचित चिकित्सा, भोजन, लीगल एड एवं बालाकों की देख-रेख इत्यादि की सेवाएं उपलब्ध कराई जाती हैं।

माननीय सर्वोच्च न्यायालय के निर्णय इनरी इन ह्यूमन कण्डिशन इन 1382 प्रीजनर्स, रिट पिटीशन (सिविल) नम्बर 4065/2013 में दिये गये निर्देशों की अनुपालना में प्रत्येक माह जेल निरीक्षण किये जाते हैं, जिसमें अध्यक्ष एवं सचिव, जिला विधिक सेवा प्राधिकरण प्रत्येक बेरक और वार्ड में प्रवेश कर जेल अधिकारी व गार्ड की अनुपस्थिति में बंदियों से वार्ता करते हैं, साथ ही शिकायत पेट्री की जांच भी करते हैं।

6. जेल पैरालीगल वॉलंटियर्स की नियुक्ति एवं प्रशिक्षण – पैरालीगल वॉलंटियर्स को जेल सुधार के सम्बन्ध में प्रशिक्षित कर जेलों में नियुक्ति की गई है। जेल में निरुद्ध बंदियों से संवाद कर बंदियों के मुद्दों को बेहतर व प्रभावशाली तरीके से सामने लाये जाने के उद्देश्य से यह स्कीम चलाई गई है, इसमें भी महिला बंदियों से विशेष रूप से वार्ता कर उन्हें उनके अधिकारों के प्रति जागरूक करना तथा उन्हें समुचित विधिक सेवाएं उपलब्ध कराना तथा उनके साथ रह रहे बालकों को सामान्यतः जीवन जीने के आधार पर भोजन, चिकित्सा एवं सुरक्षा-संरक्षण उपलब्ध कराया जाना इसका मूल उद्देश्य है।

7. विधिक सहायता क्लिनिकों का आयोजन – महिलाओं व बालिकाओं के लिये जिला मुख्यालय पर जिला विधिक सेवा प्राधिकरण के कार्यालय में महिला विधिक सहायता क्लिनिक की स्थापना की गई है, जिस पर महिला पैनल अधिवक्ता द्वारा प्रत्येक कार्य दिवस पर विधिक सहायता हेतु आने वाली महिलाओं को निःशुल्क विधिक सहायता एवं परामर्श प्रदान किया जाता है तथा महिलाओं को उनके अधिकारों के प्रति जागरूक किया जाता है।

8. विधिक साक्षरता एवं जागरूकता कार्यक्रम – विधिक सेवा प्राधिकरण की नियमित गतिविधियों में एक महत्वपूर्ण गतिविधि जन सामान्य में विधिक साक्षरता एवं विधिक जागरूकता लाना है। विधिक साक्षरता के माध्यम से जन सामान्य, महिलाओं तथा ग्रामीण क्षेत्र के निवासियों को उनके सामान्य हितों की जानकारी देकर कानून का ज्ञान कराना है, ताकि “न्याय सबके लिये” लक्ष्य को जमीनी स्तर पर चरितार्थ किया जा सके, इसके लिये विगत वर्षों में विधिक जागरूकता कार्यक्रम, अभियान एवं नवीन गतिविधियों का संचालन कर जन साधारण में विधिक जागरूकता लाने के प्रभावी कार्य विधिक सेवा प्राधिकरण द्वारा किये गये हैं, जिसमें विधिक साक्षरता

शिविर, विधिक सेवा शिविर, मोबाईल वेन, प्रिंट एवं इलेक्ट्रॉनिक मीडिया के माध्यम से जन सामान्य को कानून के जटिल प्रावधानों की जानकारी सरल, सहज एवं बोधगम्य भाषा में विभिन्न माध्यमों से दी गई है।

9. अंतर्राष्ट्रीय महिला दिवस पर जागरूकता कार्यक्रम – राजस्थान राज्य विधिक सेवा प्राधिकरण द्वारा सृष्टि निर्माण की आदि शक्ति को सादर नमन करते हुए अंतर्राष्ट्रीय महिला दिवस 08 मार्च को हर वर्ष महिलाओं को आर्थिक, राजनैतिक व सामाजिक क्षेत्र में उनके योगदान के लिये मनाया जाता है। अंतर्राष्ट्रीय महिला दिवस पर नालसा के द्वारा प्रदेश भर में विशेष कार्यक्रमों का आयोजन किया जाता है, जिसमें निम्न महत्वपूर्ण है –

1. महिलाओं के लिये विभिन्न सामाजिक सुरक्षा, महिलाओं के अधिकार, वन स्टॉप क्रईसिस सेन्टर पर जागरूकता शिविरों का आयोजन।
2. दहेज प्रतिषेध कानून, भरण पोषण, बाल विवाह निषेध अधिनियम, घरेलू हिंसा से महिलाओं का संरक्षण अधिनियम आदि पर विधिक जागरूकता शिविर का आयोजन।
3. महिला सशक्तिकरण पर विभिन्न टॉक शो का आयोजन।

10. ऐसिड हमला पोस्टर – महिला सशक्तिकरण एवं महिला सुरक्षा एवं संरक्षण को मध्यनजर रखते हुए महिलाओं पर होने वाले ऐसिड हमले के प्रति महिलाओं को जागरूक करने के लिये और उन्हें अपने अधिकारों को बताने के लिये राजस्थान राज्य विधिक सेवा प्राधिकरण द्वारा ऐसिड हमला पोस्टर का विमोचन किया गया।

11. मेरा शरीर मेरी मर्जी पुस्तिका – महिलाओं को उनके विरुद्ध होने वाले शारीरिक अपराधों से बचाने के लिये तथा उन्हें अपने विधिक अधिकारों के प्रति जागरूक बनाने के लिये मेरा शरीर मेरी मर्जी नामक पुस्तिका विमोचन राजस्थान राज्य विधिक सेवा प्राधिकरण द्वारा किया गया है, जो महिला सशक्तिकरण की अनूठी मिसाल है।

12. हैल्प टू अर्न – बच्चे एवं महिलाएँ बहुमुखी कला के धनी हैं। राजस्थान राज्य विधिक सेवा प्राधिकरण द्वारा बच्चों एवं महिलाओं की वित्तीय स्वतंत्रता को सुरक्षित रखने के लिये एक नया अभियान RLSA#Help2Earn शुरू किया गया है।

विधिक सेवा प्राधिकरण द्वारा महिला अधिकारों के सम्बन्ध में चलाई जाने वाली मुख्य योजनाएँ :-

1. पूर्व विवाद सुलह और निपटारा – सन 2002 में विधिक सेवा प्राधिकरण अधिनियम में संशोधन कर एक नया अध्याय-6ए जोड़कर पूर्व विवाद सुलह और निपटारा भी विधिक सेवा प्राधिकरण के कार्यों में समाहित कर दिया गया है। शिकायतकर्ता अपनी शिकायत सादे कागज पर या जरिये डाक, ई-मेल राज्य विधिक सेवा प्राधिकरण में प्रेषित कर सकता है तथा राज्य प्राधिकरण द्वारा इस शिकायत को नालसा की पोर्टल पर अपलोड कर अग्रिम कार्यवाही हेतु प्रेषित कर दिया जाता है। यदि शिकायत राज्य विधिक सेवा प्राधिकरण के स्तर पर ही कार्यवाही किये जाने योग्य है तो राज्य प्राधिकरण द्वारा कार्यवाही की जाती है। नालसा के पोर्टल पर शिकायतकर्ता स्वयं भी शिकायत दर्ज करा सकते हैं। महिलाओं से सम्बन्धित होने वाले अपराध की प्राथमिक शिकायत जब की जाती है तो उस पर किसी भी तरह की प्राथमिकी दर्ज करने से पूर्व उक्त प्रकरण को जिला विधिक सेवा प्राधिकरण के समक्ष भेजा जाता है, जहां सुलह और समझौते से उक्त प्रकरणों का निपटारा किया जाता है। विशेषकर ऐसी स्थितियां पारिवारिक एवं वैवाहिक मामलों में देखने को मिलती हैं। इस कार्य से महिलाओं को बहुत ही अधिक लाभ पहुंचा है तथा कई घर उजड़ने से बचे हैं।

2. नालसा (तस्करी एवं वाणिज्यिक यौन शोषण पीड़ितों के लिये विधिक सेवाएँ) योजना 2015 - यह योजना राष्ट्रीय विधिक सेवा प्राधिकरण द्वारा संचालित योजना है, जिसका संचालन समस्त जिला विधिक सेवा प्राधिकरण द्वारा किया जाता है। इस योजना का उद्देश्य समस्त आयु समूह की महिलाओं को सम्मिलित करते हुए अवैध व्यापार के पीड़ितों एवं प्रत्येक स्तर पर अर्थात् रोकथाम, बचाव एवं पुनर्वास के सम्बन्धों का समाधान करते हुए विधिक सहायता प्रदान करना है।

योजना का मुख्य विषय इन पिछड़े हुए समूह हेतु आर्थिक एवं सामाजिक मार्ग प्रदान करना है ताकि वह सामाजिक रूप से जुड़ जाये, एवं इस प्रकार उन्हें वह समस्त सामाजिक संरक्षण प्राप्त हो, जो एक साधारण नागरिक को उपलब्ध है। विधिक सेवा प्राधिकरण का तथ्य पीड़ितों की मर्यादा का संरक्षण सुनिश्चित करना है, जो उनका उतना ही जीवन का मूल अधिकार है, जितना किसी अन्य नागरिक के जीवन का। इस योजना का मुख्य उद्देश्य समस्त सम्यक तत्परतापूर्वक प्रक्रियाओं को पूर्ण करने हेतु अवैध व्यापार में लाई गई महिलाओं को उनके अधिकार दिलाने हेतु योग्य बनाना है।

बच्चों एवं वयस्कों जो इस उद्देश्य हेतु अवैध व्यापार में लाये गये हैं के अलावा, पहले से ही पिछड़े स्वैच्छिक यौन-कर्मि विधिक सेवा प्राधिकरण की सहायता से वंचित ना रह जायें इसी कारण उन्हें भी वाणिज्यिक यौन शोषण का पीड़ित माना गया है।

विधिक सेवा की योजना सर्वव्याप्त दृष्टिकोण द्वारा मार्गदर्शित होनी चाहिए, इसलिये बच्चे, किसी भी लिंग के नवयुवक, नवयुवतियां, तरुण महिलाएँ, वृद्ध महिलाएँ इत्यादि को इस कार्य योजना में सम्मिलित किया गया है। यहां तक कि इस योजना के प्रावधान समस्त किन्नरों (ट्रंस जेन्डर) पर भी लागू है।

3. नालसा (ऐसिड हमले की पीड़ितों के लिये विधिक सेवाएँ) योजना 2016 -

यह योजना राष्ट्रीय विधिक सेवा प्राधिकरण द्वारा संचालित योजना है, जिसका संचालन समस्त जिला विधिक सेवा प्राधिकरण द्वारा किया जाता है। इस योजना के मुख्य उद्देश्य निम्नवत है :-

1. ऐसिड हमलों के पीड़ितों को राष्ट्रीय राज्य, जिला और तालुका स्तरों पर क्षतिपूर्ति हेतु विधिक मौजूदा विधिक प्रावधानों एवं योजनाओं का लाभ प्राप्त करने के लिये विधिक सहायता एवं प्रतिनिधित्व करना।
2. ऐसिड हमलो के पीड़ितों को चिकित्सा सुविधाएँ एवं पुनर्वास सुविधाएँ प्राप्त करने में सक्षम बनाना।
3. ऐसिड हमलो के पीड़ितों के अधिकारों के बारे में विधिक सेवा प्राधिकरणों की योजनाओं के माध्यम से जागरूकता पैदा कर प्रचार-प्रसार करना।
4. प्रशिक्षण, प्रबोधन और संवेदीकरण कार्यक्रमों का आयोजन करके सभी स्तरों पर के पैनल अधिवक्ताओं, पैरालीगल वॉलंटियर्स, सेवा प्रदाताओं, पुलिस कर्मियों, गैर सरकारी संगठनों की क्षमताओं में वृद्धि करना।
5. अंतरालों, आवश्यकताओं का पता लगाने के लिये और उपयुक्त प्राधिकारियों को सुझाव देने के लिये विभिन्न योजनाओं, कानूनों आदि का अध्ययन करने के लिये शोध व प्रलेखन संचालित करना।

इस योजना के तहत ऐसिड हमलो की पीड़ितों को प्राथमिकता के आधार पर कानूनी सहायता दी जाती है ताकि वह पीड़ित क्षतिपूर्ति योजनाओं के लाभों को प्राप्त कर सकें। साथ ही प्राधिकरण यह भी सुनिश्चित करते हैं कि ऐसिड हमलो के पीड़ितों को प्रक्रियागत झगड़ों में विलम्ब का सामना ना करना पड़े और अन्तरिम क्षतिपूर्ति यथाशीघ्र मिले। इस योजना की क्रियान्विती के लिये पैरालीगल वॉलंटियर्स भी नियुक्त किये जाते हैं जो पीड़ितों

और प्राधिकरण के बीच में कड़ी के रूप में काम करते हुए पीड़ितों को हर संभव लाभ पहुंचाने के प्रयास करते हैं।

4. नालसा (लैंगिक हमलों के पीड़ित बालकों, महिलाओं व अन्य अपराधों के लिये) प्रतिकर योजना 2018

माननीय उच्चतम न्यायालय द्वारा रिट याचिका (सिविल) संख्या 565/2012, उनवानी निपुण सक्सेना व अन्य बनाम भारत संघ में पारित आदेश की पालना में यह प्रतिकर स्कीम लैंगिक हमलों से पीड़ित बालकों, महिलाओं व अन्य अपराधों के सम्बन्ध में प्रतिकर दिलवाये जाने हेतु प्रारम्भ की गई है। इस योजना के तहत पीड़ित व उसके आश्रित अंतरिम व अंतिम प्रतिकर प्राप्त कर सकेंगे। इस हेतु प्रार्थी के प्रार्थना पत्र पर नालसा या डालसा द्वारा अनुशंसा आवश्यक है तथा राज्य विधिक सेवा प्राधिकरण के पोर्टल पर ऑनलाईन आवेदन की सुविधा उपलब्ध है।

5. राजस्थान पीड़ित प्रतिकर स्कीम, 2011 -

आपराधिक न्याय प्रणाली में अपराध से पीड़ित व्यक्ति व उसके आश्रितों को यथोचित सहायता प्रदान करने हेतु पीड़ित प्रतिकर स्कीम, राजस्थान में वर्ष 2011 में लागू की गई। इस योजना का मुख्य उद्देश्य अपराध के परिणामस्वरूप हानि या क्षति से ग्रस्त हुए और पुनर्वास की अपेक्षा रखने वाले पीड़ितों और उनके आश्रितों की सहायता करना है, इसका मुख्य दायित्व राज्य और विधिक सेवा प्राधिकरणों पर है।

राजस्थान राज्य विधिक सेवा प्राधिकरण के द्वारा योजना के प्रभावी क्रियान्वयन हेतु अनेक कदम उठाये गये हैं। गम्भीर एवं त्वरित कार्यवाही किये जाने वाले प्रकरणों में नालसा द्वारा 24 घण्टे से भी कम समय में निःशुल्क प्राथमिक उपचार, चिकित्सा लाभ एवं अंतरिम प्रतिकर राशि स्वीकृत कर प्रदान की जा सकती है।

निष्कर्ष :-

निष्कर्षतः विधिक सेवा प्राधिकरण महिलाओं के प्रति सजग प्रहरी के रूप में काम कर रहे हैं। महिलाओं के लिये समानता के अवसरों के आधार पर न्याय की सुलभता को सुनिश्चित करने का कार्य निरन्तरता से किया जा रहा है। महिलाओं के लिये विशेष प्रकार की स्कीम एवं जागरूकता कार्यक्रमों का आयोजन भी विधिक सेवा प्राधिकरण द्वारा समय समय पर किया जाता है। महिला अध्यापिकाओं, महिला अधिवक्ताओं एवं सामाजिक संगठनों से जुड़ी महिलाओं को अपने महिला होने पर गर्व करते हुए विधिक सेवा प्राधिकरण द्वारा संचालित कार्यक्रमों एवं योजनाओं में अपनी महत्वपूर्ण भूमिका निभाते हुए सम्पूर्ण महिला वर्ग के प्रति अपनी निष्ठा एवं कर्मठता, सुदृढ़ता का परिचय देना चाहिए। समय पड़ने पर महिला सुरक्षा के लिये निर्भिकता से महिलाओं के लिये आवाज उठानी चाहिए तथा पैरालीगल वॉलंटियर्स, पैनल अधिवक्ता, विधिक साक्षरता क्लब के इंचार्ज, वन स्टॉप क्राईसिस सेन्टर के इंचार्ज के रूप में अपनी सेवाएं प्रदान करनी चाहिए।

सृष्टि निर्माण की आदि शक्ति को सादर नमन।

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महिला-श्रमिकों के कल्याण में भारतीय संविधान की भूमिका

दिवेन्द्र सिंह, शोधार्थी विधि संकाय,

डा. विनोद कुमार मीना, पर्यवेक्षक

सहायक आचार्य विधि-संकाय, जय नारायण व्यास विश्वविद्यालय, जोधपुर।

सारांश :-

ईश्वर के बाद यदि मनुष्य सबसे अधिक यदि किसी का ऋणी है तो वह है महिला का, क्योंकि ये जन्म प्रदान करने के साथ-साथ जीवन जीना भी सिखाती है। प्राचीन समय से ही महिला की महत्ता को एक राय से स्वीकार किया गया है जिसका प्रमाण देवग्रंथों की यह पंक्ति "यत्र नार्यस्तु पूज्यते रमते तत्र देवता" है। भारत के इतिहास में भी महिलाओं का महत्वपूर्ण स्थान रहा है जिनमें रजिया सुलतान, झाँसी की रानी लक्ष्मी बाई, सरोजनी नायडू, विजयलक्ष्मी पण्डित, मदर टेरेसा, एस सुबुलक्ष्मी, लता मंगेशकर इंदिरा गाँधी, कल्पना चावला इत्यादि प्रमुख रही हैं। किंतु कालांतर में अवसरवाद, भौतिकवाद, लालच की प्रवृत्ति बढ़ने से कमजोर वर्ग का शोषण प्रारम्भ हो गया। महिला वर्ग का इसमें सबसे अधिक शोषण हुआ जिससे आहत होकर राष्ट्रकवि श्री मैथिलीशरण गुप्त ने भी अपनी रचना "यशोधरा" में लिखा कि "अबला जीवन हाय, तुम्हारी यही कहानी आंचल में है दूध और आंखों में है पानी"। महिला वर्ग में भी महिला श्रमिक की स्थिति और भी अधिक दयनीय है। वह पहले तो परिस्थितियों से ही लाचार व पीड़िता है, इसके अलावा नियोक्ता द्वारा भी उसका पुरुष श्रमिक की तुलना में अधिक शोषण किया जाता है व प्रताड़ना दी जाती है। अन्य वर्गों की भाँति महिला श्रमिक वर्ग को भी भारतीय संविधान की "प्रस्तावना" और "अनुच्छेदों" में मौलिक अधिकार प्रदान किये हैं। जिससे वो गरिमापूर्ण जीवन जी सके, यथा – समान कार्य के लिए समान वेतन, स्वस्थ वातावरण भेदभाव मुक्त नियोजन।

मुख्य शब्द :- महिला- श्रमिक, संविधान, अधिकार, उत्पीड़न, कल्याण।

महिला श्रमिकों के कल्याण में भारतीय संविधान की भूमिका :-

मानव समाज या मानव समुदाय पुरुष और महिला दोनों से मिलकर बना है। वैदिक काल में महिलाओं को समाज में सम्मानजनक स्थान प्राप्त था। उन्हें पुरुषों की तरह सामाजिक, राजनीतिक, आर्थिक और धार्मिक अधिकार प्राप्त थे। उन्हें शिक्षा और संस्कार के अधिकार भी उपलब्ध थे। महिलाएँ धार्मिक कृत्यों, शास्त्रार्थ, सभाओं आदि में पुरुषों के साथ संयुक्त रूप से भाग लेती थीं। बालको और बालिकाओं को समान रूप से वेदाध्ययन की सुविधा उपलब्ध थी। परिवार की वे केंद्र बिंदु थीं अर्थात् उन्हें घर और परिवार की सम्राज्ञी माना जाता था एवं ऋग्वेद काल ने तत्कालीन योग्य नारियों को उच्चतम सामाजिक पद प्रदान किया गया था। रामायण एवं महाभारत काल में तो महिलाओं को गुरु से भी श्रेष्ठ माना गया है यथा- "गुरुणाः चैव सर्वेषां माता हि परमो

गुरुः”। परन्तु महाभारत काल के अंतिम चरणों में महिलाओं की स्थिति में गिरावट आनी प्रारम्भ हो गई भी जो कि मध्यकालीन युग तक निरंतर गिरती ही गई।

कालांतर में महिलाओं की इस गिरती हुई स्थिति ने चिन्ताजनक वातावरण का निर्माण कर दिया जिसके परिणामस्वरूप समाज में महिला-कल्याण की चर्चा होना प्रारम्भ हो गई। किन्तु जिस प्रकार महिला एवं पुरुष को एक ही सिक्के के दो पहलू माना गया है, उसी प्रकार से इन दोनों के कल्याण की बात नहीं की जा रही थी, क्योंकि सामान्यतया इस वर्ग के कल्याण या उत्थान की बात की जाती है जिसकी स्थिति या अवस्था हीन या विकट हो। इससे यह प्रमाणित हो जाता है कि महिलाओं की स्थिति चिन्ताजनक थी और जिसका प्रत्यक्ष या अप्रत्यक्ष रूप से नकारात्मक प्रभाव अन्य वर्गों पर पड़ना सुनिश्चित था। महिलाओं की इस चिन्ताजनक विकट स्थिति का सबसे मूल कारण “लिंगभेदभाव” को ही माना जाए तो कोई अतिशयोक्ति नहीं होगी। यह भेदभाव व शोषण की विस्फोटक स्थिति और भी अधिक उग्र पायी जाती है जब महिला वर्ग के एक विशेष वर्ग महिला श्रमिक की स्थिति पर दृष्टिपात किया जाता है।

भारत में महिला श्रमिक की स्थिति :-

ब्रिटिश शासनकाल के प्रारम्भिक चरणों में देश में महिलाओं की स्थिति अत्यधिक दयनीय हो चुकी थी। देश के कई भागों में सती प्रथा का प्रचलन था। विधवा विवाह पर कड़े सामाजिक प्रतिबंध लगे हुए थे। बाल विवाह जैसी कुरीति भी व्यापक रूप में फैली हुई थी। पर्दा प्रथा और दहेज प्रथा भी सर्वव्याप्त थी। स्त्रियाँ शिक्षा से वंचित थी और उनके साथ दुर्व्यवहार भी बढ़ने लगा। अंग्रेजों के भारत आगमन पर भारतीय समाज पर पाश्चात्य सभ्यता का गहरा प्रभाव पड़ा। कई भारतीयों को विदेश में जाकर शिक्षा प्राप्त करने के अवसर प्राप्त हुआ, विदेशों में महिलाओं को समाज में सम्मानजनक उच्चपद एवं स्थिति प्राप्त थी। उन्हें वहाँ शिक्षा तथा सामाजिक-राजनैतिक गतिविधियों में भाग लेने के प्रचुर अवसर उपलब्ध थे।

ब्रिटिश शासन काल में कई भारतीय विद्वान् पाश्चात्य विचारधाराओं के सम्पर्क में आए जिसके परिणाम स्वरूप उन्होंने भारतीय महिलाओं के पुनरुत्थान के लिए कदम उठाये। महिला पुनरुत्थान, महिला-हितो की रक्षा के प्रयास करने वाले समाज सुधारकों में प्रमुख रूप से राजाराममोहन राय, ईश्वरचंद विद्यासागर, महादेव गोविंद रानाडे, दयानंद सरस्वती, स्वामी विवेकानन्द, एनीबिसेंट, मार्गरेट डजिन्स, महात्मा गांधी, ज्योतिबा फुले इत्यादि। महिला-सुधार व पुनरुत्थान के आन्दोलन के फलस्वरूप महिला वर्ग को धीरे-धीरे पुरुषों के समान अधिकार एवं अवसर प्राप्त होने लगे व उनकी प्रस्थिति में भी सकारात्मक परिवर्तन दृष्टिगोचर होने लगे, किन्तु महिला-वर्ग का एक प्रमुख उपवर्ग या महिला-श्रमिक जिनकी स्थिति “ढाक के तीन पात” जैसी बनी हुई थी एवं उनकी दोहरी भूमिका-दायित्व होते हुए भी उनकी दशा बहुत दयनीय होती जा रही थी। चूंकि इनकी स्थिति माता /पत्नी बनाम श्रमिक थी। इन्हे पारिवारिक दायित्व भी निभाने पड़ते थे चाहे ये पूरे दिन में कठोर परिश्रम करके आई हो। यह एक पुरुषसत्तात्मक समाज का नाकारात्मक लक्षण था। इस कारण महिला श्रमिक की भारतीय समाज में विकट स्थिति थी यथा :

1. **दोयम दर्जा** - महिला-श्रमिक को भारतीय समाज में दोयम दर्जा प्रदान किया गया है चाहे वह कितना भी कठोर परिश्रम करा ले, कितना भी श्रेष्ठ सकारात्मक परिणाम लाये यह ‘दोयम दर्जा’ एक पुरुषवादी मानसिकता का नाकारात्मक उदाहरण है, जिसमें महिला के अधिक से अधिक शोषण को बढ़ावा दिया जाता है

और उसकी रचनात्मकता की उपेक्षा की जाती है। महिलाओं के श्रम को परिवार एवं समाज में कई स्थानों पर उपयोग किया जाता है किन्तु उसे नगण्य मान लिया जाता है चूँकि वह कई अवस्थाओं में बिना मूल्य के जाता है। महिला के श्रम को मात्र उसका दायित्व मान लिया जाता है और उसे पुरुष का बराबर का सहयोगी न मानकर केवल सहायक मान लिया जाता है।

2. **दोहरा दायित्व** - महिला जो श्रम कार्य करती है उसकी दोहरी भूमिका भी बन जाती है। वह बाहर कार्य करके आती है उसके उपरांत भी पारिवारिक दायित्वों का निभाने ही पड़ते हैं।

3. **निम्न मजदूरी** - महिला श्रमिक का नियोजन कर के कई नियोजक उसका शोषण करने से भी नहीं चुकते। महिला श्रमिक से पुरुष श्रमिक से अधिक या समान कार्य तो करवा लिया जाता है किन्तु जब मजदूरी भुगतान की जाती है तो उसे कोई न कोई बहाना बनाकर पुरुष श्रमिक से कम मजदूरी देने का प्रयास किया जाता है जो वर्तमान में एक मानसिकता में बदल चुकी है।

4. **कार्य की कठिन दशा** - महिला श्रमिकों का नियोजन जानबूझ कर कई बार कठिन एवं कठोर कार्यस्थल पर कर दिया जाता है एवं वह खुलकर उसका विरोध भी नहीं कर पाती और अपनी नियति मानकर अपना जीवन स्वाह कर लेती है। कार्य स्थलों की ऐसी दशा होती है जहाँ हवा, पानी, प्रकाश की भी मूलभूत आवश्यकताओं का अभाव रहता है।

5. **प्रसूति सम्बन्धी समस्याएं** - जब महिला श्रमिक गर्भवती हो या उसके साथ शिशु हो तो उसकी दशा और भी विकट व दयनिय हो जाती है। वह ऐसी दशा में कई बीमारियों व कुपोषण का शिकार हो जाती है एवं कई बार तो उसके जीवन पर भी बन आती है। उसने गर्भस्थ शिशु या शिशु पर भी इसका बुरा प्रभाव पड़ता है जिसे वह सहन करने में पूर्णरूप से असक्षम रहता है। बाल अवस्था में ही ऐसे कई शिशु कई बीमारियों के कोप का भोजन बन जाते हैं।

6. **शिक्षा का अभाव** - महिला श्रमिकों की स्थिति इतनी अच्छी नहीं होती कि वो अपने अधिकारों के प्रति सजग रहने के लिए शिक्षा ग्रहण कर सके, उनमें शिक्षा का नितान्त अभाव रहता है। जिसका की नियोजक गलत फायदा उठाते हैं और उनका आर्थिक शोषण के साथ-साथ, मानसिक और शारीरिक शोषण करके से नहीं चुकते। शिक्षा के अभाव के कारण महिला श्रमिक स्वयं के साथ-साथ अपने परिवार का हित करने में असक्षम रहती है और कदम-कदम पर अत्याचारियों के शोषण का शिकार बनती रहती है।

7. **प्रशिक्षण का अभाव** - महिला-श्रमिकों को कम मजदूरी देने के पीछे कई बार नियोजक इनकी निपुणता पर प्रश्नचिन्ह लगाते हैं एवं कई जगह वास्तविकता में महिला श्रमिकों में परिस्थितिवश प्रशिक्षण का अभाव भी देखने को मिलता है जिसे नियोजक शोषण का हथियार बना कर अपने अनुरूप कार्य करवाते रहते हैं। संगठित क्षेत्र हो या असंगठित क्षेत्र महिला श्रमिकों को प्रशिक्षण के मामलों में उदासीनता ही देखी जाती है। चाहे वह क्षेत्र निजी हो या सरकारी। जहाँ प्रशिक्षण की बाध्यता भी रहती है वहाँ मात्र औपचारिकता से काम चला लिया जाता है। अतः हम इस प्रशिक्षण अभाव को इनके विकास के मार्ग में रोड़ा समझ सकते हैं।

8. **आवास और यातायात की समस्याएँ** - महिला श्रमिकों की दशा तब और भी खराब हो जाती है जब वह एकाकी जीवन में हो, उसके पास आवास ना हो, ऐसी स्थिति में नियोजक द्वारा भी आवास की व्यवस्था नहीं की जाती एवं जो महिला श्रमिक दूरस्थ या आंचलिक क्षेत्र में रहती है व दूसरे स्थान पर श्रम कार्य के लिए जाती

है, उसके लिए यातायात व्यवस्था न होना भी कोढ़ में खाज का काम करती हैं।

9. मनोरंजन व्यवस्था का अभाव - नियोजन स्थल पर सामान्यतः मनोरंजन व्यवस्था नहीं देखी जाती। यदि मनोरंजन व्यवस्था होगी तो महिला श्रमिक अपनी पारिवारिक समस्या, मानसिक दबाव, शारीरिक कष्ट को आसानी से भूल कर उत्पादन कार्यों में अपनी कुशलता का परिचय दे सकेंगी।

10. सामाजिक-सुरक्षा की समस्या - महिला श्रमिकों को भी अन्य श्रमिकों की भांति वृद्धावस्था, बीमारी, दुर्घटना, और अन्य आकस्मिकताओं में कई कष्टों का सामना करना पड़ता है। सामाजिक सुरक्षा सम्बंधी प्रावधानों का नितांत अभाव रहता है या मात्र औपचारिकता बनकर रह जाते हैं।

भारतीय संविधान एवं महिला श्रमिक कल्याण :-

भारतीय संविधान निर्माताओं ने गुलाम भारत की दयनीय दशा को बहुत नजदीक से देखा एवं महसूस किया था, इसलिए उनके मस्तिष्क में यह विचार हमेशा रहा होगा कि आजादी के बाद पुनः वहीं हालात नहीं बन जाये, जिनसे वे वर्षों लड़े हैं। इसलिए संविधान निर्माण के समय उनका मुख्य ध्येय यही था कि समाज के सभी वर्गों को सामाजिक, आर्थिक, राजनैतिक न्याय और समता प्राप्त हो जिससे सभी नागरिकों को अपने विकास के समान अवसर व अधिकार प्राप्त हो सके। भारतीय संविधान निर्माताओं ने गुलाम भारत में देखा था कि किस प्रकार से पिछड़े वर्ग, महिला वर्ग, श्रमिक वर्ग, किसान वर्ग, दलित वर्ग, गरीब वर्ग का अत्यधिक शोषण व अत्याचारपूर्ण व्यवहार किया जाता था। बेगार प्रथा इसी के उदाहरण है जिनका आगे चलकर संविधान के प्रावधानों अनुरूप उन्मूलन किया गया था।

इसी पिछड़े एवं शोषित वर्ग में अतिशोषित वर्ग भी आता है जो श्रमिक वर्ग है, जिसका अत्यधिक शोषण किया जाता था, किन्तु इस श्रमिक वर्ग में वह श्रमिक यदि महिला है तो स्थिति "करेला और वो भी नीम चढ़ा" जैसी हो जाती है। जब शोषक वर्ग देख लेता है कि श्रमिक पुरुष के स्थान पर स्त्री है तो वह शोषण करने का सुअवसर मान लेता है और वह उससे अत्यधिक परिश्रम, अत्यल्प मजदूरी में करवाना चाहता है। इसके अलावा उसका मानसिक, शारीरिक शोषण करने से परहेज नहीं करता है। ऐसी अवस्था या ऐसा कहे कि ऐसी दुर्दशा से बचने लिए "भारतीय संविधान में प्रत्यक्ष और अप्रत्यक्ष प्रावधान किए गए जिनमें श्रमिक वर्ग व महिला श्रमिक वर्ग पर होने वाले अत्याचार और शोषण का उन्मूलन किया जा सके। ये प्रावधान है यथा :-

1. भारतीय संविधान की प्रस्तावना : भारतीय संविधान का प्रारम्भ प्रस्तावना से होता है जो भारतीय संविधान कुंजी कही जा सकती क्योंकि प्रस्तावना संविधान का सार होती है जोकि संविधान का परिचय करवा देती है। सर्वप्रथम यह अमेरिकी संविधान में प्रस्तावना को सम्मिलित किया गया था उसके उपरान्त कई देशों ने इसे अपनाया जिसमें भारत भी एक राष्ट्र था। भारतीय संविधान की प्रस्तावना पंडित जवाहर लाल नेहरू द्वारा बनाए और पेश किए गए एवं संविधान सभा द्वारा अपनाए गए उद्देश्य प्रस्ताव पर आधारित है।

'प्रस्तावना का प्रारम्भ हम, भारत के लोग" से किया गया जिसका उद्देश्य भारत में भारत के नागरिक ही सर्वोच्च है। इस शब्द में भारत के सभी व्यक्ति शामिल है चाहे वह किसी भी वर्ग से सम्बंधित है। वर्गों को समता, स्वतंत्रता, न्याय समान रूप से प्रदान करने की बात कही गई है। इस कारण इसमें सभी पिछड़े दलित श्रमिक मजदूर भी शामिल है। इस प्रकार यह प्रस्तावना महिला श्रमिकों को सामाजिक, आर्थिक, राजनैतिक न्याय, और विचार अभिव्यक्ति, विश्वास, धर्म उपासना की स्वतंत्रता, प्रतिष्ठा और अवसर की समता प्रदान करता है।

प्रस्तावना की महता के कारण ही इसे संविधान का अभिन्न अंग माना गया है।

2. अनुच्छेद 13 भारतीय संविधान : संविधान के इस अनुच्छेद में प्रावधान किया गया है कि ऐसी विधियाँ जो मूल अधिकारों से असंगत हैं या उनका अल्पीकरण करने वाली हैं वह विधि उल्लंघन की मात्रा तक शून्य होंगी। यह अनुच्छेद महिला श्रमिकों हितों में बनाए गए प्रावधानों को भी संरक्षण प्रदान करता है यथा समान कार्य के लिए समान वेतन महिला-श्रमिक के मान सम्मान या गरिमा के विपरीत प्रावधान किया जाता जो भारतीय संविधान के प्रतिकूल हो ऐसे प्रावधान उल्लंघन की मात्रा तक शून्य होंगे।

3. अनुच्छेद 21 भारतीय संविधान : भारतीय संविधान के अनुच्छेद 21 में प्राण और दैहिक स्वतंत्रता के संरक्षण की व्यवस्था की गई है। इस व्यवस्था में गरिमापूर्ण जीवन व्यतीत करना भी शामिल किया गया है। इस प्रावधान के अनुसार महिला श्रमिक को भी अपना श्रम कार्य सम्पादित करते 'समय गरिमापूर्ण वातावरण पाने का अधिकार है एवं इसके साथ-साथ जीविकोपार्जन के लिए उसे उसके श्रम कार्य से अविधिक रूप से वंचित नहीं किया जा सकता।

4. अनुच्छेद 23. भारतीय संविधान : भारतीय संविधान के इस अनुच्छेद में मानव के दुर्व्यवहार और बलात्श्रम का प्रतिषेध किया गया है। इस प्रावधान का प्रभाव महिला श्रमिक पर भी प्रत्यक्ष रूप से पड़ता है। इसके अनुसार महिला श्रमिक को बलात् श्रम कार्य में नियोजित नहीं किया जा सकता या काम नहीं लिया जा सकता है। बलात्श्रम में किसी व्यक्ति की इच्छा के विरुद्ध उससे कार्य लिया जाता है। बलात् श्रम में केवल शारीरिक अथवा कानूनी बलात् स्थिति ही शामिल नहीं है, बल्कि इसमें आर्थिक परिस्थितियों से उत्पन्न बाध्यता यथा -न्यूनतम मजदूरी से कम पर काम कराना आदि भी शामिल हैं। इस सम्बंध में बन्धुआ मजदूरी व्यवस्था (निरसन) अधिनियम 1976, - न्यूनतम मजदूरी अधिनियम 1948, ठेका श्रमिक अधिनियम 1970 और समान पारिश्रमिक अधिनियम 1976 बनाए गए।

5. अनुच्छेद 24 भारतीय संविधान : यह अनुच्छेद चौदह वर्ष से कम आयु के बालकों को किसी कारखाने या खान या अन्य जोखिम भरे कार्यों में लगाने का प्रतिषेध करता है। इसका प्रभाव चौदह वर्ष से कम आयु की महिला श्रमिकों पर भी पड़ता है। माननीय सर्वोच्च न्यायालय ने एम.सी. मेहता बनाम तमिलनाडु राज्य में कल्याणकारी ऐतिहासिक निर्णय दिया।

6. अनुच्छेद 39 भारतीय संविधान : इस अनुच्छेद में राज्य द्वारा अनुसरण करने वाले नीति-तत्त्वों का वर्णन किया गया है। यथा :-

(1) 39 (क) : पुरुष और स्त्री सभी नागरिकों को समान रूप से जीविका के पर्याप्त साधन प्राप्त करने का अधिकार है।

(2) 39 (घ) : पुरुषों और स्त्रियों दोनों का समान कार्य के लिए समान वेतन हो। रणधीर सिंह बनाम भारत संघ के वाद में माननीय सर्वोच्च न्यायालय ने यह अभिनिर्धारित किया कि यद्यपि सामान कार्य के लिए समान वेतन संविधान के अधीन एक मूल अधिकार नहीं है, यह एक निदेशक तत्व है, किन्तु निश्चित ही यह एक सांविधानिक लक्ष्य है और यदि राज्य इस मामले में विभेद करता है तो यह न्यायालय इसके पालन के लिए अनुच्छेद 32 के अधीन अपनी अधिकारिता का प्रयोग कर सकता है।

(3) 39 (ङ) : यह अनुच्छेद महिला-श्रमिकों की भी स्वास्थ्य और शक्ति के दुरुपयोग करने से संरक्षण

प्रदान करता है।

7. अनुच्छेद 42 भारतीय संविधान : यह अनुच्छेद काम की न्याय संगत, मानवोचित दशाओं तथा प्रसूति सहायता का उपबंध करता है। इसी व्यवस्था के आधार पर महिला श्रमिकों के कल्याण के लिए कई कल्याणकारी योजनाएँ किर्यान्वित की जा रही हैं।

8. अनुच्छेद 43 भारतीय संविधान : इस अनुच्छेद द्वारा राज्य से अपेक्षा की गई है वह कर्मचारियों को कार्य निर्वाह मजदूरी शिष्ट जीवन स्तर और उसका सम्पूर्ण उपयोग सुनिश्चित करने वाली काम की दशाएँ तथा सामाजिक अवसर प्रदान करने का प्रावधान करता है।

सुझाव :-

समाज के अन्य पिछड़े एवं दलित कमजोर वर्ग के उत्थान के प्रयासों के भाँति महिला-श्रमिकों के जीवन को गरिमामय बनाने के लिए सम्पूर्ण समाज और शासन के सभी अंगों को समन्वित प्रयास करने होंगे। शासन के सभी अंगों द्वारा प्राथमिक से उच्च-स्तर तक निरंतर क्रियाशील रहकर ही इस शोषित वर्ग के हित में परिणाम लाये जा सकेंगे। ग्राम नगर, जिला, राज्य और राष्ट्रस्तर पर इसके उत्थान के लिए कार्यक्रम बनाकर उनका क्रियान्वयन सुनिश्चित करना होगा और क्रियान्वयन की समयावधि भी निश्चित करनी होगी। सम्बंधित व्यक्ति का दायित्व-निश्चित करना होगा इसके अलावा सरकारी विभागों के साथ मिलकर गैर सरकारी संगठनों को भी अपनी महत्वपूर्ण भूमिका निभानी होगी और विशेष : राष्ट्रीय एवं राज्य सरकारों को प्रयास करने होंगे यथा :

- महिला श्रमिकों में शिक्षा-स्तर को बढ़ाना।
- महिला श्रमिकों के कौशल में वृद्धि हेतु प्रशिक्षण कार्यक्रम चलाना।
- महिला श्रमिकों के कल्याण के लिए महिला समूहों के संघटन को बढ़ावा देना।
- महिला श्रम शक्ति के संरक्षण हेतु नये विधायानों का निर्माण, जो त्रुटिपूर्ण हैं उनमें संशोधन करना।
- हित अधिकारों की जानकारी के लिए जागरूकता अभियान चलाना।
- विभिन्न स्तरों पर महिला श्रमिकों के संघटनों का निर्माण।
- राष्ट्रीय महिला आयोग इनसे सम्बंधित विषयों में तत्परता से कार्य करे।
- विशेष सामाजिक कल्याण विधानों का निर्माण।
- परामर्श केन्द्रों की स्थापना हो।
- बजट में इनसे सम्बंधी विशेष कोष की स्थापना।
- विशेष मानेटरिंग व्यवस्था हो
- महिला श्रमिकों के स्वास्थ्य, पोषाहार, परिवार कल्याण के कार्यक्रम बनाना।
- प्रतिकर योजना का विशेष रूप से संचालन।
- महिला विशेषज्ञों, की सहायता लेना।
- मजदूरी सम्बंधी प्रावधानों की कड़ाई से पालना।
- कार्य की दशा में सुधार लाना।
- मनोरंजन की व्यवस्था करना।
- सरकार या नियोजक द्वारा आवास की व्यवस्था करना।

- यातायात की सुविधा या रियायत देना।
- पारिवारिक दबाव दोहरी भूमिका में परिवर्तन लाना।
- महिला श्रमिकों के बच्चों के लिए पालना गृह की व्यवस्था हो।
- श्रम संघों में महिला श्रमिकों की भागीदारी सुनिश्चित करना।

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संघात्मक भारतीय व्यवस्था में महिलाओं की स्थिति

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Abstract %

महिलायें किसी भी समाज का अभिन्न अंग हैं, बिना महिला के समाज की, दुनिया की कल्पना भी नहीं की जा सकती है। समाज की प्रगति और विकास में महिलाओं की भूमिका नजर अंदाज नहीं की जा सकती है। मानवीय दृष्टिकोण से समाज में महिला और पुरुष समान होते हैं। परंतु जब स्त्री पुरुष की सामाजिक, आर्थिक, राजनीतिक स्थिति को देखते हैं तो स्त्रियाँ हमेशा पुरुषों से पीछे ही रही हैं। स्त्री पुरुष की स्थिति की तुलना की जाती है तो पुरुष प्रधान समाज की ही स्थिति दृष्टि गोचर होती है जहां पुरुष हमेशा स्त्रियों से आगे रहता है। आदि काल से आधुनिक काल तक में स्त्रियों की स्थिति देखें तो यह काफी परिवर्तनशील रही है। जहाँ आदिकाल में महिलाओं की पूजा की जाती थी, वहां धीरे-धीरे उसके अस्तित्व की ही उपेक्षा की जाने लगी। भारत में एक सब से बड़ी समस्या महिलाओं को सशक्त बनाना है जिससे उनकी स्थिति को सुधारा जा सके, ताकि भारतीय संविधान में जो समानता का अधिकार उन्हें मिला है जो विशेषाधिकार उन्हें मिले है उसे वास्तव में क्रियाशील किया जा सके।

Keywords : संविधान, विशेषाधिकार, समानता का अधिकार, सशक्त, पुरुष प्रधान समाज।

परिचय :-

रामायण काल में स्त्रियों को बहुत सम्मान दिया जाता था उन्हें स्वयंवर का अधिकार था जिसमें स्त्रियाँ अपने लिए वरका चुनाव करती थी, मुगल काल में स्त्रियों की दशा बदली और उससे सारे अधिकार छीन लिए गए, अंग्रेजों के काल में उनकी स्थिति बहुत बुरी हो गई।

अंग्रेजों से स्वतंत्रता की लड़ाई में महिलाओं का महत्वपूर्ण योगदान रहा इस कारण इनका नाम इतिहास में अमिट छाप रखता है जैसे रानी लक्ष्मीबाई, ज्योतिबा फुले, सरोजिनी नायडू कई नाम थे जिन्हें उनके योगदान के लिए याद किया जाता है। भारत जैसे महान देश में संपूर्ण नारी जगत का संपूर्ण विकास किया जाना आवश्यक है ताकि वे अपने लिए, देश के लिए, समाज के लिए पुरुषों जैसे योगदान दे सकें।

इसके लिए उनका आर्थिक, सामाजिक, राजनीतिक, सांस्कृतिक विकास किया जाना आवश्यक है, उनके अधिकारों की रक्षा की जानी आवश्यक है। कई समाज सुधारकों ने समय-समय पर महिलाओं की स्थिति सुधारने का प्रयत्न किया जैसे राजा राममोहन राय।

भारत में पुरुष व महिला के बीच बड़ी असमानता है। वर्ल्ड इकोनॉमिक फोरम के आंकड़ों के अनुसार

ग्लोबल जेंडर गैप इंडेक्स (सीजीआई) 2021 में भारत 156 देशों में से 140 वें स्थान पर है। जब किस वाईवल जेंडर इन इक्वलिटी इंडेक्स (GII) के अनुसार भारत स्वास्थ्य और जीवन रक्षा के क्षेत्र में 156 देशों में से 155वें स्थान पर है। इसे 2010 में यू एन ह्यूमन डेवलपमेंट रिपोर्ट द्वारा पेश किया गया था। ये बातें एक्स एल आर आई (XLRI) में सेंटर फॉर जेंडर इक्वलिटी एंड इनक्लूसिव लीडर शिप के द्वारा आयोजित पहले कार्यक्रम के दौरान उभर कर सामने आईं। वेबिनार में मुख्य वक्ता के रूप में पूर्व अंतरराष्ट्रीय सिविल सेवक लिसेलोटेवाल्ड हाइम नेचुरल उपस्थित थी। संयुक्त राष्ट्र सचिवालय न्यूयॉर्क में अब तक की सबसे कम उम्र की पेशेवर महिला के रूप में नियुक्त होने का गौरव लिसेलोटेवाल्ड हाइम नेचुरल को मिला है।¹

26 जनवरी 1950 को भारतीय संविधान को अंगीकार किया गया। भारतीय संविधान निर्माताओं ने महिलाओं के अधिकारों की रक्षा हेतु, उनकी स्थिति को सुधारने हेतु कई प्रावधान भारतीय संविधान में शामिल किए।

अनुच्छेद 14 में कहा गया है कि भारत के राज्य क्षेत्र में सभी व्यक्तियों को विधि के समक्ष समता या विधियों के समान संरक्षण का अधिकार होगा। सभी व्यक्तियों से तात्पर्य सभी व्यक्तियों से है चाहे वे देशी हो या विदेशी हो या स्त्री हो या पुरुष। यह अधिकार सभी व्यक्तियों को समान रूप से बिना किसी भेदभाव के प्राप्त है। यहाँ महिलाओं को पुरुषों के समान अधिकार प्रदान किये गये हैं।²

अनु. 15 के अनुसार किसी भी व्यक्ति के साथ जाति, वर्ग, पंथ, लिंग, नस्ल और जन्मस्थान के आधार पर कोई भेद भाव नहीं किया जायेगा।³

अनु. 16 भारतीय संविधान के अनुच्छेद 16 में सार्वजनिक पदों पर अवसर की समानता से संबंधित प्रावधान किये गए हैं।

○ अनुच्छेद 16(1) के अनुसार राज्य के अधीन किसी भी पद पर नियोजन या नियुक्ति से संबंधित विषयों में सभी नागरिकों के लिये अवसर की समानता होगी। बिना लिंग विभेद के।

○ अनुच्छेद 16(2) के अनुसार, राज्य के अधीन किसी भी पद के संबंध में धर्म, मूलवंश, जाति, लिंग, उद्भव, जन्मस्थान, निवास या इस में से किसी के आधार पर न तो कोई नागरिक अपात्र होगा और न उससे विभेद किया जाएगा।⁴

अनु. 42 इस के अन्तर्गत महिलाओं को प्रसूति सहायता का उपबंध किया गया है।⁵

अनु. 51A(e) महिलाओं की गरिमा के लिए अपमानजनक प्रथाओं का त्याग करने की बात करता है।⁶

अनु. 243 (क) प्रत्येक पंचायत में प्रत्यक्ष निर्वाचन द्वारा भरे जाने वाले स्थानों की कुल संख्या के कम से कम एक-तिहाई स्थान (जिनके अंतर्गत अनुसूचित जातियों और अनुसूचित जनजातियों की स्त्रियों के लिए आरक्षित स्थानों की संख्या भी है) स्त्रियों के लिए आरक्षित रहेंगे और ऐसे स्थान किसी पंचायत में भिन्न-भिन्न निर्वाचन-क्षेत्रों को चक्रानुचक्र से आबंटित किए जा सकेंगे।⁷

अनु 243 (T) 3 सभी नगरपालिकाओं में महिलाओं के लिए अलग सीटों का प्रावधान किया गया है।⁸

एक महिला अपने में सम्पूर्ण है। महिलाओं में पुरुषों की अपेक्षा सृजन, पोषण की ताकत कई गुणा ज्यादा है। फिर भी महिलाओं को हमेशा पुरुषों के पीछे ही रहना होता है। महिलाएँ हमेशा पुरुषों पर निर्भर रही हैं और अभी भी हैं। हालांकि शहरी क्षेत्रों में महिलाओं की स्थिति में सुधार है। महिलायें पढ़ रही हैं, नौकरी भी कर रही

है। माता पिता बेटी पैदा होने पर खुशी मनाते हैं। पर इसका प्रतिशत बहुत ही कम है। आज भी अधिकतर लोग मानते हैं कि लड़के ही घर का चिराग हैं लड़के ही वंश को आगे बढ़ाते हैं। ग्रामीण क्षेत्रों में तो महिलाओं की स्थिति और भी बुरी है। वहां न तो महिलाओं को पढ़ाने की सुविधा है और न ही पढ़ने पढ़ाने का शोक है। संघात्मक शासन व्यवस्था में दो प्रकार की सरकारें होती हैं केन्द्र व राज्य सरकार। दोनों अपने क्षेत्रों में स्वतन्त्र होती हैं। दोनों सरकारें अपनी शक्तियाँ देश के संविधान से लेती हैं। भारत में केन्द्र व राज्य सरकार आपस में मिलकर काम करती हैं। भारत में शक्ति सन्तुलन का सिद्धान्त केन्द्र की ओर झुका हुआ है। आपात काल में राज्यों की सारी शक्तियाँ केन्द्र में चली जाती हैं। महिलाओं की स्थिति सुधारने के लिये केंद्र ने कई उपाय किये हैं। साथ ही विभिन्न राज्य सरकारों ने भी अपने-अपने राज्यों में महिलाओं की स्थिति को सुधारने के लिये अनेक प्रयास किये हैं।

केन्द्र द्वारा महिलाओं के हितों की रक्षा के लिए बनाये गये कानून :-

1. प्रसव पूर्व निदान तकनीक अधिनियम, 1994 – इसके अन्तर्गत किसी महिला के जो बच्चा होने वाला है, वह लड़का है या लड़की, जांच करना कानूनी अपराध है। इसका उल्लंघन करने वालों को 10-15 हजार रुपये का जुर्माना और 3-5 साल कारावास की सजा का प्रावधान है।⁹
2. दहेज प्रतिच्छेद अधिनियम 1961 – दहेज लेना और देना दोनों ही कानूनी अपराध हैं।¹⁰
3. प्रसूति प्रसुविधा अधिनियम, 1961 इसमें अब 135 दिनों का अवकाश दिया जाता है।¹¹
4. समान पारिश्रमिक अधिनियम 1976 स्त्री पुरुषों को समान कार्य के लिए समान वेतन का अधिकार है।¹²
5. टेका श्रम अधिनियम 1970, महिलाओं से एक दिन में 9 घण्टे से ज्यादा काम नहीं लिया जा सकता है।¹³

IPC 1860 :-

आजकल महिलाएं हर क्षेत्र में आगे बढ़ रही हैं। परन्तु उन पर होने वाली आपराधिक घटनाएं हर समय सुनने को मिल जाती हैं। महिलाएं कहीं भी सुरक्षित नहीं हैं घर में हो या सार्वजनिक स्थल पर या कार्यस्थल पर, जिस प्रकार से अपराध बढ़ रहे हैं, यह जरूरी है कि महिलाओं को उनकी और उनके अधिकारों की रक्षा करने वाले कानूनों के बारे में पता होना चाहिए। IPC की कई धाराएं हैं जो महिलाओं को अन्याय के प्रति लड़ने में मदद करती हैं।

1. IPC धारा 228 A :-

IPC धारा 228 A के अनुसार यौन पीड़ित महिला को अधिकार है कि वो अपनी पहचान और खुद से जुड़ी जानकारियों को गुप्त रख सके। अगर कोई इसका उल्लंघन करता है तो उसको जुर्माना देना पड़ सकता है या फिर उसको 2 साल तक की कारावास की सजा हो सकती है।¹⁴

2. IPC धारा 294 :-

यदि कोई, किसी सार्वजनिक स्थान पर कोई अश्लील हरकत करेगा, गाना गायेगा या कोई भी ऐसा कार्य करेगा जिसमें अश्लीलता हो तो वह इस धारा के तहत आरोपी बनाया जा सकता है।¹⁵

3. IPC धारा 306 :-

आत्महत्या का दुष्प्रेरण : इस धारा के अन्तर्गत सती प्रथा को दंडनीय घोषित किया गया है।

किसी महिला को प्रताड़ित करना और आत्महत्या के लिए उकसाना एक गंभीर अपराध है और इसके

लिए धारा 306 के तहत दोषी व्यक्ति को सजा देने का प्रावधान है।¹⁶

भारत में बच्चा गोद लेने की कानूनी प्रक्रिया और शर्तें :-

4. IPC धारा 312-315 गर्भपात और उसके लिये दण्ड का प्रावधान करती है।¹⁷

IPC की धारा 312 से लेकर 315 में बताया गया है कि यदि किसी भी गर्भवती महिला का उसकी मर्जी के बिना गर्भपात किया जाता है तो यह अपराध होगा।

धारा 312 गर्भपात कारित करना कि किसी गर्भवती महिला का यदि कोई उसकी मर्जी से गर्भपात कारित करेगा और उसके जीवन को बचाने के भिन्न प्रयोजन के लिये करता है तो वह 7 वर्ष तक के कारावास से दंडित किया जाएगा।

धारा 313 जो कोई स्त्री की सम्मति के बिना गर्भपात करता है तो वह 10 वर्ष तक के कारावास व जुर्माने से दण्डित किया जाएगा।

धारा 314 यदि गर्भपात करने के दौरान स्त्री की मृत्यु कारित कर दी जाती है तो वह 10 वर्ष तक के कारावास व जुर्माने से दंडित किया जाएगा।

Amendment 2018 in IPC 18

तालिका : क्रिमिनल लॉ (संशोधन) अध्यादेश, 2018 में प्रस्तावित मुख्य संशोधन

महिला की उम्र	अपराध के अंतर्गत दंड	आईपीसी 1860 अध्यादेश, 2018	क्रिमिनल लॉ (संशोधन)
12 वर्ष से कम	बलात्कार	•न्यूनतम : 10 वर्ष •अधिकतम : आजीवन कारावास मृत्यु दंड	•न्यूनतम : 20 वर्ष •अधिकतम आजीवन कारावास या
12 वर्ष से कम	सामूहिक बलात्कार	•न्यूनतम : 20 वर्ष •अधिकतम : आजीवन कारावास	•न्यूनतम : आजीवन कारावास •अधिकतम : आजीवन कारावास या मृत्यु दंड
12-16 वर्ष	बलात्कार	•न्यूनतम : 10 वर्ष •अधिकतम : आजीवन कारावास	•न्यूनतम : 20 वर्ष •अधिकतम : कोई परिवर्तन नहीं
12-16 वर्ष	सामूहिक बलात्कार	•न्यूनतम : 20 वर्ष •अधिकतम : आजीवन कारावास	•न्यूनतम : आजीवन कारावास •अधिकतम : कोई प्रावधान नहीं
16 वर्ष और अधिक	बलात्कार	•न्यूनतम : 7 वर्ष •अधिकतम : आजीवन कारावास	•न्यूनतम : 10 वर्ष •अधिकतम : कोई परिवर्तन नहीं

केंद्रीय स्तर पर बनाये गये कानूनों को किसी राज्य ने किस तरह से लागू किया है उस पर महिलाओं की स्थिति निर्भर करती है। 2010 में किये गये सर्वे के अनुसार बिमारु राज्यों में महिलाओं की स्थिति ज्यादा खराब है।

जबकि कुछ राज्य ऐसे हैं जहाँ महिलायें रहना चाहती हैं वहाँ महिलाओं की स्थिति अच्छी है। आज के समय की दरकार यही है कि महिलाओं की स्थिति को सुधारने के लिये राज्य सरकारें, केंद्र के साथ मिल कर कोशिश करें। महिलायें समाज का अभिन्न अंग हैं, उन्हें सशक्त किया जाना बहुत जरूरी है।
भारत में कौन सा राज्य महिलाओं के मामले में अच्छा है?

निम्न राज्यों में महिला साक्षरता निम्न स्तर पर है¹⁹

महिला	पुरुष	औसत	
Rajasthan	57.6%	80.8%	69.7%
Andhra Pradesh	59.5%	73.4%	66.4%
Bihar	60.5%	79.7%	70.9%
Uttar Pradesh	63.4%	81.8%	73%
Jharkhand	64.7%	83%	74.3%

निम्न राज्यों में महिला साक्षरता उच्च स्तर की है²⁰

1. **केरल** :- साक्षरता के मामले में केरल पूरे भारत में सर्वोच्च स्थान पर है। यहाँ कुल साक्षरता 95.2% है। महिला साक्षरता 92.1% है जबकि पुरुष साक्षरता 96.1% है।
2. **मिजोरम** :- मिजोरम साक्षरता मामले में दूसरे स्थान पर है। यहां महिला साक्षरता 89.3% है।
3. **गोआ** :- गोआ में महिला साक्षरता 84.7% है।
4. **त्रिपुरा** :- त्रिपुरा में महिला साक्षरता 82.7% है।
5. **नागालैंड** :- यहां महिला साक्षरता 76.1% है।
अन्य राज्य जिनमें साक्षरता 70% से अधिक है
हिमाचल प्रदेश, महाराष्ट्र, तमिलनाडु, सिक्किम, मणिपुर।

पंचायतों में प्रतिनिधित्व²¹ :-

पंचायत, स्थानीय सरकार होने के नाते, एक राज्य का विषय है और भारत के संविधान की सातवीं अनुसूची की राज्य सूची का हिस्सा है। संविधान के अनुच्छेद 243डी का खंड (3) पंचायती राज संस्थाओं में महिलाओं की भागीदारी सुनिश्चित करता है, जिसमें प्रत्यक्ष चुनाव द्वारा भरी जाने वाली सीटों की कुल संख्या और पंचायतों के अध्यक्षों के कार्यालयों की संख्या में से महिलाओं के लिए कम से कम एक तिहाई आरक्षण अनिवार्य है। मंत्रालय के पास उपलब्ध सूचना के अनुसार, 20 राज्य आंध्र प्रदेश, असम, बिहार, छत्तीसगढ़, गुजरात, हिमाचल प्रदेश, झारखंड, कर्नाटक, केरल, मध्य प्रदेश, महाराष्ट्र, ओडिशा, पंजाब, राजस्थान, सिक्किम, तमिलनाडु, तेलंगाना, त्रिपुरा, उत्तराखंड और पश्चिम बंगाल ने अपने-अपने राज्य पंचायती राज अधिनियमों में पंचायती राज संस्थानों में महिलाओं के लिए 50% आरक्षण का प्रावधान किया।

देश में पंचायती राज संस्थाओं (पीआरआई) में निर्वाचित महिला प्रतिनिधियों (ईडब्ल्यूआर) की संख्या, राज्य/संघ राज्य क्षेत्र-वार।

राज्य / केंद्र शासित प्रदेश	कुल पीआरआई प्रतिनिधि	कुल ईडब्ल्यूआर
अंडमान और निकोबार द्वीप समूह	858	306
आंध्र प्रदेश	156050	78,025
अरुणाचल प्रदेश	9383	3,658
असम	26754	14,609
बिहार	136573	71,046
छत्तीसगढ़	170465	93,392
दादरा और नगर हवेली	147	47
दमन और दीव	192	92
गोवा	1555	571
गुजरात	144080	71,988
हरियाणा	70035	29,499
हिमाचल प्रदेश	28723	14,398
जम्मू और कश्मीर	39850	13,224
झारखंड	59638	30,757
कर्नाटक	101954	51,030
केरल	18372	9,630
लद्दाख	ना	ना
लक्षद्वीप	110	41
मध्य प्रदेश	392981	196490
महाराष्ट्र	240635	128677
मणिपुर	1736	880
उड़ीसा	107487	56,627
पुदुचेरी	ना	ना
पंजाब	100312	41,922
राजस्थान	126271	64,802
सिक्किम	1153	580
तमिलनाडु	106450	56,407
तेलंगाना	103468	52,096
त्रिपुरा	6646	3,006
उत्तर प्रदेश।	913417	304538
उत्तराखंड	62796	35,177
पश्चिम बंगाल	59229	30,458
कुल	3187320	1453973

मध्यप्रदेश में महिलाओं के उत्थान के लिये किये गये प्रयास :

मुख्यमंत्री प्रसूति सहायता योजना ²² :-

श्रमिक महिलाओं के पास या उनके पति के पास इतना पैसा नहीं होता कि वे प्राइवेट हॉस्पिटल में अपने बच्चों की डिलीवरी करा सके, क्योंकि सभी श्रमिक महिलाएं काम करके अपना जीवन यापन करती हैं। इसलिए Prasuti Sahayata Yojana मध्य प्रदेश की आर्थिक रूप से कमजोर और श्रमिक वर्ग की गर्भवती महिलाओं के लिए राज्य सरकार द्वारा 1 अप्रैल 2018 में शुरू की गयी है। मुख्यमंत्री श्रमिक सेवा प्रसूति सहायता योजना के अंतर्गत मध्य प्रदेश में गरीबी रेखा से नीचे आने वाले श्रमिक वर्ग परिवार की गर्भवती महिलाओं को गर्भावस्था के दौरान आर्थिक रूप से मजबूत करने के लिए और अच्छे से जीवन यापन करने के लिए सरकार द्वारा वित्तीय सहायता प्रदान की जाएगी।

राजस्थान (Rajasthan) सरकार की तरफ से महिलाओं के लिए कई योजनाएं चलाई जा रही हैं जिससे महिला सशक्तिकरण के साथ-साथ उनको नया जीवन भी मिल रहा है।²³

मुख्यमंत्री राजश्री योजना 2022 :-

बालिकाओं के प्रति समाज में सकारात्मक सोच विकसित करने और उनके स्वास्थ्य एवं शैक्षणिक स्तर में सुधार करने के लिए 1 जून 2016 को मुख्यमंत्री राजश्री योजना शुरू की गई। मुख्यमंत्री राजश्री योजना में जन्म लेने वाली बालिका के माता-पिता या अभिभावक को 50000 रुपए दिए जाते हैं।

सामूहिक विवाह नियमन एवं अनुदान योजना :-

मुख्यमंत्री अशोक गहलोत ने वर्ष 2019 के बजट में सामूहिक विवाह नियमन एवं अनुदान योजना की शुरुआत की थी। इस योजना में किसी भी पंजीकृत संस्था द्वारा सामूहिक विवाह का आयोजन कराया जा सकता है। विवाह आयोजन कराने वाली संस्था को प्रति जोड़ा 25000 रुपए स्त्री धन के रूप में दुल्हन के खाते में जमा कराई जाती है। इसमें कम से कम 10 व अधिकतम 500 जोड़ों के लिए सामूहिक विवाह आयोजन किया जा सकता है जिसमें सरकार द्वारा अनुदान दिया जाएगा।

इंदिरा महिला शक्ति निधि योजना :-

मुख्यमंत्री अशोक गहलोत ने अपनी पहली सरकार की वर्षगांठ पर इंदिरा महिला शक्ति निधि योजना की शुरुआत की थी। इसके तहत सरकार ने प्रतिवर्ष 200 करोड़ रुपए यानी कुल 5 वर्ष के लिए एक हजार करोड़ रुपए का प्रावधान किया है। निधि के माध्यम से महिला सशक्तिकरण के लिए 5 योजनाएं प्रारंभ की गई हैं।

1. **प्रशिक्षण एवं कौशल संवर्धन योजना :** इसके तहत 75 हजार महिलाओं एवं बालिकाओं को निशुल्क कंप्यूटर प्रशिक्षण दिया जाएगा।
2. **लेखा प्रशिक्षण योजना :** इसके तहत 5000 महिलाओं को लेखांकन प्रशिक्षण जैसी गतिविधियां संचालित की जाएंगी।
3. **शिक्षा सेतु योजना :** इसके तहत ड्रॉप आउट बालिकाओं और शिक्षा से वंचित रही महिलाओं को राजस्थान स्टेट ओपन स्कूल के माध्यम से पढ़ाई के लिए फीस का पुनर्भरण किया जाएगा, इसका लाभ 50 हजार बालिकाओं और महिलाओं को मिलेगा।

4. **प्रशिक्षण एवं कौशल संवर्धन योजना :** इसके तहत 75 हजार महिलाओं एवं बालिकाओं को निशुल्क कंप्यूटर प्रशिक्षण दिया जाएगा।
5. **उद्यम प्रोत्साहन योजना :** महिलाओं के स्वयं सहायता समूहों के लिए अब तक की सबसे बड़ी अनुदान योजना है। योजना के तहत व्यक्तिगत महिला उद्यमी अथवा स्वयं सहायता समूह को 50 लाख रुपए तक और समूहों के रूप में विद्यमान क्लस्टर या फेडरेशन को एक करोड़ रुपए तक की ऋण सुविधा दी जाती है। बड़ी बात ये है कि ऋण राशि का 25 प्रतिशत अनुदान और वंचित वर्ग को 30 प्रतिशत तक का अनुदान दिया जाता है। इसमें उद्योग, सेवा, व्यापार, डेयरी, कृषि आधारित उद्योग आदि समस्त क्षेत्र के लिए ऋण सुविधा है।

सखी : वन स्टॉप सेंटर

हिंसा से पीड़ित महिलाओं और बालिकाओं को एक ही छत के नीचे अस्थायी आश्रय देने के साथ ही पुलिस, विधिक सहायता, चिकित्सा सुविधा, मनोवैज्ञानिक परामर्श एवं काउंसलिंग की सुविधा उपलब्ध करवाने के लिए सखी वन स्टॉप सेंटर खोले गए हैं। जिस प्रकार की समस्या होगी उसी प्रकार के विशेषज्ञ समाधान करेंगे। इसमें एक ही स्थान पर महिला को चिकित्सा सुविधा, परामर्श सुविधा, न्यायिक सहायता, पुलिस सहायता और अस्थाई आश्रय भी दिया जाएगा। यहीं नहीं तुरंत मदद के लिए महिला हेल्प लाइन नंबर 181 की सुविधा भी है। जिस पर कॉल करने पर सहायता दी जाएगी।

इसके अलावा आपकी बेटी योजना 2021-22,

महिला सुरक्षा एवम् सलाह केंद्र नियमन एवं अनुदान योजना 2010-11

स्वावलम्बन योजना, कलेवा योजना, प्रिय दर्शिनी आदर्श स्वयं सहायता समूह योजना, अमृता हाट सोसाइटी योजना भी चलायी गयी है।

दिल्ली में महिलाओं के लिये लागू की गयी योजनायें :-

दिल्ली सरकार ने महिलाओं को सशक्त करने के लिए बजट में नई योजना का प्रस्ताव रखा है। इसके तहत काम करने की इच्छुक बेरोजगार महिलाओं के कौशल विकास के लिए आंगनबाड़ी हब बनाएं जाएंगे। इनमें महिलाओं के स्वयं सेवा सहायता समूह बनाकर उन्हें काम सिखाया जाएगा। यहां से प्रशिक्षण पाकर महिलाओं को उनके हुनर के हिसाब से रोजगार मिल सकेगा। इस योजना को सहेली समन्वय केंद्र नाम दिया गया है।²⁴

हिमाचल प्रदेश द्वारा लागू की गयी योजनायें :-

हिमाचल प्रदेश राज्य सरकार द्वारा महिला स्वरोजगार योजना 2021-22 को इसलिए शुरू किया गया है ताकि महिलाएं अपने प्रतिदिन की जरूरतों का खर्च उठा सकें और इसके लिए वह किसी और पर निर्भर ना रहें। इस योजना के तहत सरकार महिलाओं की आर्थिक रूप से मदद करना चाहती है।

हालांकि इस योजना को 2005 में लॉन्च कर दिया गया था लेकिन कई कारणों के रहते हुए योजना के लक्ष्य को पूरा नहीं किया जा रहा था इसलिए सरकार ने महिला स्वरोजगार योजना 2022 में काफी सारे बदलाव किए ताकि योजना का लाभ सभी महिलाओं तक पहुंचाया जा सके।²⁵

यूपी महिला सामर्थ्य योजना का उद्देश्य²⁶ :-

UP महिला सामर्थ्य योजना 2022 का मुख्य उद्देश्य महिलाओं का कल्याण तथा सशक्तिकरण करना है।

इस योजना के माध्यम से महिलाओं को रोजगार के प्रति प्रेरित किया जाएगा। इस के माध्यम से महिला द्वारा संचालित किए जाने वाले उद्यमों का उत्थान किया जाएगा। इस योजना के अंतर्गत महिलाओं को विभिन्न प्रकार के प्रशिक्षण प्रदान किए जाएंगे जिससे कि वह अपने उद्योग को बेहतर बना सकें और उनके जीवन स्तर में सुधार आ सकें। इस योजना के माध्यम से प्रदेश की महिलाएं आत्मनिर्भर बनेंगी तथा औद्योगिक क्षेत्र का भी विकास होगा।

गोवा में यशस्विनी स्कीम फॉर वीमेन एंटरप्रेन्योरशिप, स्वास्थ्य सहायक प्रोजेक्ट और ब्रेस्ट कैंसर स्क्रीनिंग इनिशिएटिव हैण्डहेल्ड डिवाइस आदि।

केरल में PMMVY, सहायता हस्तम, अभय किरणम विधवाओं के पुनर्विवाह के लिए मंगलाय, अश्वनिधि, परक पोषण कार्यक्रम चालू किये गये।

गुजरात में गुजराती महिला बाल विकास योजना, सरस्वती साधना योजना, मंगलम योजना शुरू की गयी। महाराष्ट्र में मनोधैर्य स्कीम, मांझी कन्या भाग्य श्री योजना, महिलाओं के लिए परामर्श केन्द्र, सावित्रीबाई फुले बहु उद्देश्य महिला केन्द्र अत्याचार पीड़ितों के लिए, कामकाजी माताओं के बच्चों के लिए राजीव गांधी राष्ट्रीय शिशु गृह योजना, इंदिरा गाँधी मातृत्व योजना, शुभ मंगल सामूहिक विवाह योजनाएं चलाई गई हैं।

इस प्रकार भारत में विभिन्न राज्यों ने अपने-अपने स्तर पर महिलाओं की स्थिति सुधारने के लिये कई योजनायें चलाई हैं।

निष्कर्ष :-

महिलायें समाज का अभिन्न अंग हैं। महिलाओं का उत्थान करने के लिए, उन्हें सशक्त करने के लिये कई प्रयास किये गये हैं। ये प्रयास केंद्र स्तर पर और राज्य स्तर दोनों पर किये गये हैं। दोनों स्तरों पर कई कानून बनाये गये हैं, कई योजनायें चलायी गयी हैं। पर कानून बनानाया योजनायें बनाना ही पर्याप्त नहीं है, जब तक उनको प्रभावी तरीके से लागू नहीं किया जाये। संघात्मक शासन व्यवस्था में केंद्र और राज्य सरकारें मिल कर महिलाओं की स्थिति को सुधार सकती हैं।

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भारतीय महिलाओं के उत्थान में डॉक्टर बी. आर. अंबेडकर का योगदान

प्रेम प्रकाश

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सहायक आचार्य, सेठ मोतीलाल विधि महाविद्यालय, झुंझुनू (राजस्थान)

परिचय :-

प्राचीन समय में हमारी संस्कृति को देखें तो पाते हैं कि महिलाओं की स्थिति बहुत ही दयनीय प्रतीत होती है।

अस्वतन्त्राः स्त्रियः कार्याः पुरुषै स्वैर्दिवानिशम्।

विषयेषु च सज्जन्त्यः संस्थाप्या आत्मनो वशे।।२।।

अर्थात् : पति आदि आत्मीय जनों को चाहिए कि वे रात-दिन स्त्रियों को स्वाधीन रखें (उनकी देखभाल करें—उन्हें स्वतन्त्र न रहने दें), अनिषिद्ध (रूप रस आदि) विषयों में आसक्त होती हुई उन्हें अपने वश में करें।।२।।
पिता रक्षति कौमारे भर्ता रक्षति यौवने।

रक्षन्ति स्थविरे पुत्रा न स्त्री स्वातन्त्र्यमर्हति।।३।।

अर्थात् : स्त्री की रक्षा बचपन में पिता करता है, युवावस्था में पति करता है और वृद्धावस्था में पुत्र करते हैं; स्त्री स्वतन्त्र रहने के योग्य नहीं है। (पति-पुत्रहीन स्त्री की रक्षा युवावस्था में पिता आदि स्वजन भी कर सकते हैं, अतएव युवावस्था में पति का रक्षा करना प्रायिक समझना चाहिए)।।३।।

मनुस्मृति के अध्याय 9 के पैरा 2 व 3 में नारी पर अन्याय की पराकाष्ठा दिखाई देती है। जिसमें कहा गया है कि 'रात और दिन कभी भी स्त्री को स्वतंत्र नहीं होने देना चाहिए उन्हें लैंगिक संबंध द्वारा अपने वश में रखना चाहिए बालपन में पिता युवावस्था में पति और बुढ़ापे में पुत्र उसकी रक्षा करें स्त्री स्वतंत्र होने के लायक नहीं है'। यदि 19वीं सदी में सती प्रथा, बाल विवाह, बाल हलाए, एक से अधिक पत्नी विधुर फेर विवाह प्रतिबंध, दहेज प्रथा, जाति बंधन, ऊंच-नीच, जातिगत भेदभाव अस्पृश्यता, निरक्षरता, कन्या को शिक्षा आदि कुरूपतियों का शिकार होना पड़ा लेकिन समय-समय पर महापुरुषों के लगातार प्रयासों के कारण सुधार होता गया और आखिरकार सभी की कोशिश का परिणाम भारतीय संविधान के अनुच्छेद 15 (3) में विशेष उपबंध किया गया जिससे आज महिलाओं की स्थिति समाज में सम्मानजनक दिखाई देने लगी है इसके पीछे काफी त्याग और बलिदान करना पड़ा है।

प्राचीन काल में महिलाओं की स्थिति :-

प्राचीन काल में महिलाओं की स्थिति प्राचीन काल की और देखें तो पाते हैं कि महिलाओं का उपभोग

की वस्तु प्रायः माना जाना प्रतीत होता है और कुछ धर्म की आड़ में महिलाओं को सती प्रथा आदि बहुत कुरीतियों का सामना करना पड़ता था। साथ ही घर में सभी का ख्याल रखें, अंतिम कड़ी में अपने आप को रखें, पुरुष प्रधान समाज के फैसले से विकार करते हुए अपना जीवन यापन करें आदि बहुत दयनीय स्थिति के साथ जीवन जीना स्वीकार करना पड़ता था महापुरुषों का योगदान अग्रणी है।

महिलाओं की प्राचीन समय स्थिति से निकालने के लिए समय-समय पर महापुरुषों द्वारा प्रयास किया गया इसमें राजा राममोहन राय प्रार्थना समाज के स्वामी दयानंद सरस्वती ज्योतिबा फूले और उनकी धर्मपत्नी सावित्रीबाई फुले ने महिलाओं की शिक्षा के लिए हर दिन लड़ते हुए हर दिन मूत्र गोबर का दर्द सहन कर शिक्षा की अलख जगाई।

भारतीय संविधान में महिलाओं के अधिकारों से संबंधित प्रावधान :-

अनुच्छेद 15 : धर्म, लिंग, या जन्म स्थान के आधार पर विभेद का प्रतिषेध।

(3) इस अनुच्छेद की कोई बात राज्य को स्त्रियों और बालकों के लिए विशेष उपबंध करने से निर्धारित नहीं करेगी। स्त्रियों और बालकों की स्वाभाविक प्रकृति ही ऐसी होती है जिसके कारण उन्हें विशेष संरक्षण की आवश्यकता होती है। भारत में स्त्रियों की दशा बड़ी सोचनीय थी। अपनी सामाजिक कुरीतियों; जैसे— बाल—विवाह, बहु—विवाह आदि की शिकार थीं और पूर्ण रूप से पुरुषों पर आश्रित थी, इसी कारण राज्य को उनके लिए विशेष कानून बनाने का अधिकार प्रदान करना उचित है। स्त्रियों के प्रति इस वैधानिक सहानुभूति के आधार के बारे में अमेरिका के न्यायालय ने मूलर बनाम ओरेगन के मामले में कहा है कि 'अस्तित्व के संघर्ष में स्त्रियों की शारीरिक बनावट तथा उनके स्त्रीजन्य कार्य उन्हें दुःखद स्थिति में ला कर खड़ा कर देते हैं। अतः उनकी शारीरिक कुशलता का संरक्षण जनहित का उद्देश्य हो जाता है जिससे जाति, शक्ति और निपुणता को सुरक्षित रखा जा सके।

डॉक्टर बी. आर. अंबेडकर का योगदान :-

20वीं सदी में अंबेडकर का उदय हुआ और उन्होंने मनु स्मृति में महिलाओं की स्थिति से बाहर निकालने का प्रयास किया शुरुआत उन्होंने निचले वर्ग की महिलाओं के लिए महाड सत्याग्रह सन 1829 से की और महिलाओं को स्वतंत्रता व समानता के लिए संग्राम छेड़ा। जिससे उन्होंने न सिर्फ निचले वर्ग की महिलाओं की बात की बल्कि संपूर्ण महिलाओं को निचले वर्ग में शामिल किया। महिलाओं के लिए हिंदू कोड बिल सन 1951 में हिंदू कोड बिल संसद में भारत के पहले कानून मंत्री के रूप में पेश किया इसके पीछे का उद्देश्य स्वतंत्र भारत में महिलाओं को वे सभी अधिकार दिलाना था जो सुख को प्राप्त थे। के रूप में डॉक्टर भीमराव अंबेडकर ने स्त्रियों के अधिकारों के लिए लंबी लड़ाई लड़ी हालांकि तात्कालिन सरकार द्वारा हिंदू को संसद में स्वीकार नहीं किया गया फिर भी डॉ. अंबेडकर द्वारा यह प्रयास जारी रखा गया कि महिलाओं को पुरुषों के समान सभी अधिकार समान रूप से प्राप्त हो चाहे संपत्ति के हिस्से की बात ही क्यों ना हो।

हिंदू कोड बिल के मुख्य प्रावधान :-

स्वतंत्रता के पहले और बाद में भी महिलाओं को समाज में बराबरी का अधिकार दिलाने के लिए कई आंदोलन किए गए, लेकिन भारत की आधी आबादी के अधिकारों का कानूनी दस्तावेज तैयार किया, भारत के पहले कानून मंत्री डॉ. भीमराव आंबेडकर ने। उन्होंने भारत की बेटियों की मजबूती के लिए ऐसा खाका तैयार

किया, जिसमें विवाह, तलाक, संपत्ति आदि तमाम मुद्दों पर अधिकार देने की बात की गई। वर्तमान परिपेक्ष्य में हम देखें तो, महिलाओं की दशा सुधारने में मील का पत्थर बना है, 'हिंदू कोड बिल'।

1. हिंदुओं में बहु विवाह की प्रथा को समाप्त करके केवल एक विवाह का प्रावधान जो विधि सहमत हो।
2. महिलाओं को संपत्ति में अधिकार देना और गोद लेने का अधिकार देना।
3. पुरुषों के समान महिलाओं को भी तलाक अधिकार देना हिंदू समाज में पहले पुरुष ही तलाक दे सकते थे।
4. आधुनिक और प्रगतिशील विचारधारा के अनुरूप हिंदू समाज को एकीकृत करके उसे मजबूत करना।

हिंदू कोड बिल संसद में पेश कर बेजोड़ मिसाल पेश की जिस का संसद अंदर और बाहर विरोध हुआ संसद में जहां जनसंघ समेत कांग्रेस विरोध कर रही थी तो बाहर संसद के बाहर हरिहरानंद सरस्वती उर्फ करपात्री महाराज के साथ राष्ट्रीय स्वयंसेवक संघ हिंदू महासभा हिंदूवादी संगठन हिंदू कोड बिल का विरोध कर रहे थे विरोध यहां तक पहुंचा की तत्कालीन राष्ट्रपति डॉ. राजेंद्र प्रसाद ने इसका विरोध किया और उन्होंने नेहरू को एक पत्र में कहा इस बिल से काफी लाभ है फिर भी मेरा ऐसा विचार है कि बिल के दूरगामी परिणाम के बारे में लोगों में मतभेद है इसलिए संविधान सभा को इस बिल को पास नहीं करना चाहिए।

हिंदू कोड बिल, महिलाओं की समाजाक, आर्थिक दशा में सुधार करके, उन्हें तरक्की और कामयाबी से जोड़ता था। हिंदू कोड बिल संसद में पास न करा पाने से अंबेडकर बहुत दुखी थे। उनका मानना था कि संविधान लिखने से भी ज्यादा खुशी उन्हें हिंदू कोड बिल पास होने से होती।

यद्यपि हिंदू कोड बिल को कई टुकड़ों में बांट कर, कई एक्ट पारित किए गए, लेकिन उनकी प्रभाविकता काफी हद तक कम हो गई। निश्चित तौर पर ये कानून महिलाओं की स्थिति समाज में बेहतर करने में सहायक बने, जिनसे आगे की राह भी आसान हुई है, फिर वह हिंदू महिलाओं के कानूनी अधिकार हों या मुस्लिम महिलाओं को गुजारा भत्ता और तलाक के नियम में होने वाले बदलाव। आजादी से अब तक के इतिहास में कई महत्वपूर्ण फैसले लिए गए हैं, जो महिलाओं को सामाजिक और आर्थिक मजबूती देते हैं।

अभी हाल ही में 11 अगस्त 2020 को सर्वोच्च न्यायालय के द्वारा हिंदू उत्तराधिकार (संशोधन) अधिनियम 2005, की पुनर्व्याख्या की गई। जिसमें सर्वोच्च न्यायालय के द्वारा अपने हालिया निर्णय में पुरुष उत्तराधिकारियों के समान हिंदू महिलाओं को पैतृक संपत्ति में उत्तराधिकार और सहदायिक (संयुक्त कानूनी उत्तराधिकारी) अधिकार का विस्तार किया गया है। जिसका संबंध हिंदू उत्तराधिकार संशोधन अधिनियम 2005 से है। सर्वोच्च न्यायालय के निर्णय के अनुसार एक हिंदू महिला को पिता की संपत्ति में संयुक्त उत्तराधिकारी होने का अधिकार जन्म से ही प्राप्त है। यह इस बात पर निर्भर नहीं करती की पिता जीवित है या नहीं। यह निर्णय हिंदू उत्तराधिकार अधिनियम के वर्ष 2005 में किए गए संशोधनों के विस्तार पर है। इसके तहत हिंदू उत्तराधिकार अधिनियम 1956 की धारा 6 में निहित भेदभाव को दूर करने का प्रयास है। ताकि बेटियों को भी संपत्ति में समान अधिकार मिल सके। यह निर्णय संयुक्त हिंदू परिवारों के साथ जैन, बौद्ध, आर्य-समाज एवं ब्रह्म-समाज से संबंधित समुदायों पर भी लागू किया जाएगा।

आखिर में 26 सितंबर 1951 को नेहरू ने घोषणा की यह बिल संसद में वापस लिया जाता है। इस बिल के पास में होने पर बाबा साहेब ने 27 सितंबर 1951 को मंत्री पद से इस्तीफा दे दिया लेकिन बाबासाहेब दूरदृष्टि के व्यक्तित्व ने भारतीय संविधान के अनुच्छेद 14 समानता के अधिकार के माध्यम से बीज बो दिया था और

अनुच्छेद 15 (3) और अनुच्छेद 42 के माध्यम से उसके संरक्षण की व्यवस्था कर दी थी जिसका अनुकरण बाद में 1955-56 में :-

1. हिंदू विवाह अधिनियम
2. हिंदू तलाक अधिनियम
3. हिंदू उत्तराधिकार अधिनियम
4. हिंदू दत्तक ग्रहण अधिनियम, आदि के द्वारा हुआ और सन् 2005 में जब संयुक्त हिंदू परिवार में पुत्री को भी पुत्र के समान कानूनी रूप से बराबर की भागीदारी माना गया तो बाबा साहब का 1950 को बोया हुआ बीज आज फल फूल रहा है। इसी का परिणाम है कि आज बेटी बचाओ, बेटी पढ़ाओ, सेल्फी विद डॉक्टर, सुकन्या समृद्धि योजना आदि के माध्यम से महिला सशक्तिकरण करने पर जोर दिया जा रहा है और आज हर कोई महिलाओं को सशक्त बनाने का श्रेय लूट रहा है लेकिन इसके असली हकदार तो बाबा साहब डॉक्टर भीमराव अंबेडकर की है।

उच्चतम न्यायालय द्वारा अपने विभिन्न निर्णयों में महिलाओं के अधिकारों की रक्षा करते हुए नये सिद्धांत भी प्रतिपादित किए गए हैं। जैसे महिलाओं के गर्भ धारण के अधिकार की रक्षार्थ एयर इंडिया बनाम नरगिस मिर्जा। सी० वी० मुथुम्मा बनाम भारत संघ। आदि मामलों में अपने निर्णयों में उच्चतम न्यायालय द्वारा महिलाओं को गर्भधारण करने से नियोजकों को रोकने के आदेश दिए हैं। इनसे यह प्रतीत होता है कि भारत की न्यायपालिका भी महिलाओं के अधिकारों की रक्षार्थ अपनी भूमिका महत्वपूर्ण बनाए हुए है। उच्चतम न्यायालय की यह सोच वर्तमान में विकास की परिचायक भी कही जाए तो कोई अतिशयोक्ति नहीं होगी।

निष्कर्ष :-

महिला समाज में उतनी सम्मान की हकदार है जितना पुरुष है क्योंकि परिवार, समाज, देश के संपूर्ण विकास में जितनी पुरुष की भूमिका है उतनी ही महिला की भी है। और इस बात को हम आज समझते हैं। बाबा साहब ने बहुत पहले ही समझ लिया था उन्होंने सन् 1942 में एक सम्मेलन में कहा था कि किसी समाज की प्रगति महिलाओं की प्रगति में आंकी जाती है। न्यायमूर्ति अरुण मिश्रा के अनुसार, 'बेटियों को बेटों के समान अधिकार दिया जाना चाहिए, बेटी जीवन भर एक प्यार करने वाली बेटी बनी रहती है, बेटी पूरे जीवन एक सहदायिक बनी रहेगी, भले ही उसके पिता जीवित हों या नहीं।' वास्तव में सर्वोच्च न्यायालय का यह फैसला महिला अधिकारों के साथ, डॉ. आंबेडकर के 'हिंदू कोड बिल' की जीत है, जो निश्चित तौर पर महिलाओं के उज्ज्वल भविष्य की नई इबारत लिखेगा। आने वाले समय में महिलाओं के विकास में मील का पत्थर साबित होगा।

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6. ए०आई०आर० १६८१ एस०सी० १८२६
7. ए०आई०आर० १६७४ एस०सी० १८६८



महिलाओं के अधिकारों के संरक्षण के विधिक प्रावधान और सामाजिक व्यवस्था : वर्तमान संदर्भ में विचार एवं चिंतन

डॉ. इंदिरा लूना

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परिचय :-

महिलाओं और युवतियों पर कही एसिड अटैक हो रहे हैं, कही लगातार हत्याएँ – बलात्कार हो रहे हैं, इन घटनाओं से निपटने के लिए भारतीय नेतृत्व में इच्छा शक्ति तो बढ़ी है लेकिन हमारे भारत देश में पुरुष प्रधान होने के कारण महिलाओं के साथ होने वाली घटनाओं को दबा दिया जाता है उन्हें परिवार समाज का भय दिखा कर आवाज बंद कर दिया जाता है। इस कारण सरकार प्रशासन पुलिस, न्यायालय, सामाजिक संस्था के साथ मिडिया भी इन अत्याचारों पर रोक नहीं लगा पाई देश के हर कोने से पीड़िताओं की आवाजों पर ताले लगे हैं और अत्याचार बढ़ता ही जा रहा है।

महिलाओं को अपने अधिकारों की जानकारी नहीं है। यदि कोई पीड़ित महिला, बालिका अपना दर्द बड़ी गंभीरता से बयान करती है मगर उसका सख्ती के उसका पालन नहीं किया उसे ही दोषी मानकर परेशान किया जाता है जिसका नतीजा दहेज हत्या, आत्महत्या, दुष्प्रेरण, जीने की इच्छा शक्ति नारी हालातों से हार कर अपने जीवन की लीला समाप्त कर लेती है, महिला सशक्तिकरण के तमाम नियमों कानूनों के बाद भी महिलाएं अपने असली अधिकारों से कौसों दूर हैं। इन सभी समस्याओं को देखते हुए सरकार द्वारा समय-समय पर कई कड़े कानून बनाए गए हैं, जो इस प्रकार हैं।

महिला अत्याचारों के खिलाफ कानून व्यवस्था :-

1. घरेलू हिंसा से संबंधित प्रावधान।
2. कार्यस्थल पर यौन उत्पीड़न के संरक्षण से संबंधित प्रावधान।
3. दहेज प्रथा की रोकथाम के लिए प्रावधान।
4. महिलाओं के प्रति अशिष्टता के व्यवहार के विरुद्ध प्रावधान।

भारतीय दंड संहिता में महिलाओं के प्रति होने वाले अपराधों अर्थात् हत्या, आत्महत्या के लिए उकसाना, दहेज मृत्यु, बलात्कार, अपहरण आदि को रोकने का प्रावधान है। उल्लंघन की स्थिति में गिरफ्तारी और को रोकने का प्रावधान है। उल्लंघन की स्थिति में गिरफ्तारी और न्यायिक दंड की व्यवस्था है, इसके अलावा महिलाओं को आर्थिक स्थिति मजबूत करने का भी प्रयास किया जा रहा है ताकि वे अपने पक्ष को मजबूती से पेश कर सकें ना कि मजबूरी में ताकि महिलाएं अपने खिलाफ हुए अत्याचार का मुकाबला कर सकें।

जैसे :- पुरुष स्त्री को समान कार्य के लिए समान वेतन कार्यस्थल पर भेदभाव ना किया जाए। महिला की सुरक्षा स्वास्थ्य के लिए शौचालयों, स्नानघरों की व्यवस्था अनिवार्य रूप से की जाए। स्त्री पुरुष की प्रकृति अलग-अलग है उसकी सुरक्षा का ध्यान रखा जाए। 18 वर्ष से कम महिला के साथ यौन व्यवहार पोक्सों एक्ट-2012 के अधीन आता है। पोक्सों एक्ट लड़के-लड़कियों को समान रूप से सुरक्षा प्रदान करता है, वही इस कानून के तहत रजिस्टर मामलों की सुनवाई विशेष अदालत में होती है। अनिवार्य रूप से महिला कर्मचारी, महिला अधिवक्ता, महिला जज के सामने सुनवाई होती है, ताकि पीड़िता अपना बयान दुख, दर्द पीड़ा को निःसंकोच व्यक्त कर सके उसे न्याय मिल सके तथा समाज और पुरुष प्रधान पितृसत्तात्मक समाज का सामना खुल कर विरोध कर सके तथा अपनी सुरक्षा और न्याय की मांग कर सके।

भारतीय संविधान महिलाओं को विशेष छूट प्रदान करता है, ताकि वह अपनी शिक्षा प्राप्त करने के बाद नौकरियों सरकारी नौकरियों में अपना नाम पद प्राप्त कर सके, रोजगार प्राप्त कर अपने तथा अपने परिवार का पालन कर सके आर्थिक रूप से किसी पर निर्भर ना रहे और अपने जीने के फैसले अपने तरीके से कर सके। अनु. 21 के तहत उसे भी खुलकर जीवन जीने का अधिकार प्रदान किया गया है, वह किसी भी अपने मनपसंद व्यक्ति से विवाह कर सकती है, उसे विदेश जाने, धार्मिक यात्रा करने इत्यादि सभी चीजों की आजादी प्रदान करता है। यदि कोई महिला किसी कारणवश किसी अपराध में अपराधी होती है तो उसे महिला पुलिस की उपस्थिति में ही गिरफ्तार किया जाना चाहिए, उसकी शिष्टता, सुरक्षा का ध्यान रखना आवश्यक है तथा किसी भी महिला को सूर्योदय और सूर्यास्त के समय गिरफ्तारी से रोक है यदि उसे गंभीर अपराध में दोषी पाया है तो मजिस्ट्रेट की लिखित आदेश पर ही गिरफ्तार किया जा सकता है। महिला को महिला पुलिस द्वारा ही गिरफ्तार करने का कानूनी नियम/प्रावधान है। 24 घंटे में निकटतम मजिस्ट्रेट के यहां पेश कर दिया जाना चाहिए यदि अपराध जमानतीय है तो उसे जमानत का अधिकार प्रदान किया जाना चाहिए, शीघ्र सुनवाई और शीघ्र न्याय का अधिकार पाने की हकदार होती है।

महिलाओं के खिलाफ अपराध आखिर क्यों कम नहीं हो रहे :-

1. **न्याय में देरी :-** भारत में बीते 10 वर्षों में बलात्कार के जितने भी मामले दर्ज हुए हैं, उनमें केवल 12 से 20 मामलों में सुनवाई पूरी हो पायी, बलात्कार के मामलों की संख्या तो दिन-ब-दिन बढ़ी है, मगर है लेकिन सजा की दर नहीं बढ़ रही है।
2. **खत्म होता जा रहा सजा का डर :-** कानूनी प्रक्रिया का लम्बा चलने के कारण अपराधियों में सजा का भय समाप्त हो रहा है, बलात्कार और उसके बाद हत्या के मामले बढ़ते जा रहे हैं, कानून सख्त होने पर भी बलात्कार की घटनाओं में कोई कमी नहीं आई है।
3. **अश्लील सामग्री :-** दुनिया भर के समाजशास्त्री, राजनेता, कानूनविद, प्रशासन अधिकारी मानते हैं कि पोर्नोग्राफी बढ़ने, यौन अपराधों का बड़ा कारण है। अश्लील फोटो चित्र सामग्री जो कि समाज में अपराध को बढ़ावा देने के लिए जिम्मेदार है। मोबाईल कंपनी में सस्ती दरों पर डाटा देने के कारण अश्लील, अभ्रष्ट्र नाच गोनो के साथ अश्लील सामग्री पेश की जा रही है। जिसे युवा पीढ़ी गंभीर होकर देखती है और अपराध कारित करने की सोच पैदा हो जाती है। इस कारण भी अपराध में लगातार बढ़ोतरी हो रही है। निर्भया कांड 2012 उसके अपराधियों को सजा 7 वर्ष बाद मिली वह भी उसके माता-पिता, समाज सेवकों, आम जनता के विरोध के

कारण देशव्यापी मुद्दा होने के कारण महिला डॉक्टर के साथ बलात्कार की घटना और बाद में हत्या अपराधियों ने अश्लील फिल्में देखने के बाद ही बलात्कार और हत्या के अपराध को स्वीकार किया, लिहाजा हम अश्लील विडियों फिल्मों को हत्या, बलात्कार में बढ़ावा देने वाला मानते हैं।

पुरुषवादी मानसिकता :-

बालिका कोई गलत कार्य करे तो परिवार में उसे बड़ों द्वारा डांटा जाता है, लेकिन कोई बालक करे तो कहते हैं, कोई बात नहीं घर का बेटा है, बुढ़ापे का सहारा है। बेटा तो पराया धन है। ससुराल चली जायेगी परिवार को छोटे बच्चों के साथ भेदभाव की नीति आगे बढ़कर गंभीर अपराधों को पैदा करती है।

प्रशासनिक उदासीनता :-

निर्भया कोष के आवंटन में सरकार द्वारा दिए गए आंकड़ों के आवंटित धनराशि में से 11 राज्यों ने एक रुपया भी खर्च नहीं किया इन राज्यों में महाराष्ट्र, मणिपुर, मेघालय, त्रिपुरा, सिक्किम, दमन, दीव, शामिल है। दिल्ली में 390-90 करोड़ रुपये में सिर्फ 19-41 करोड़ रुपये ही खर्च किए, उत्तर प्रदेश में निर्भया फंड 119 करोड़ सिर्फ 3-93, कर्नाटक में 191-72 करोड़, में 13-62 करोड़, तेलंगाणा में 103 करोड़ में केवल 4-19 करोड़, इन सभी पेश किए गए आंकड़ों के मुताबिक महिला बालिका विकास योजनाओं में 36 राज्यों और केन्द्र शासित प्रदेशों में भी कम ही योगदान रहा है।

महिलाओं के अधिकारों के संरक्षण हेतु विभिन्न विधिक प्रावधानों को बनाया एवं लागू किया गया ताकि महिलाएं स्वयं को सुरक्षित महसूस करें डरें नहीं ओर स्वयं का सामाजिक, आर्थिक और राजनैतिक विकास कर सकें। ये विधिक प्रावधान वास्तव में महिलाओं के लिए रामबाण का काम करने वाले साबित हुए हैं और आज के युग में महिलाएं अपेक्षाकृत अधिक सुरक्षित महसूस करती हैं। जिनमें मुख्य प्रावधान निम्नलिखित हैं :-

बाल विवाह निरोधक अधिनियम 1929

शारदा एक्ट के अन्तर्गत बालविवाह में सहयोग देने वाले माता-पिता पुरोहितो आदि को कारावास व अर्थदंड से दंडित करने का प्रयास किया गया।

मुस्लिम विवाह - विच्छेद अधिनियम 1939 को पारित कर तलाक के क्षेत्र में मुस्लिम महिलाओं को भी तलाक देने का अधिकार दिया जाकर पुरुषों के एकाधिकार व निरंकुशता पर नियंत्रण स्थापित किया गया।

विशेष विवाह अधिनियम 1954 द्वारा अर्न्तजातीय विभिन्न धर्म में लोगों के परस्पर विवाह की स्वीकृति प्रदान की गई।

हिन्दू विवाह अधिनियम 1955 के पारित होने पर बहुपत्नी प्रथा और बालविवाह को समाप्त करने का प्रयास किया गया नारी को पुरुष के समान विवाह करने का यह विवाह विच्छेद करने का अधिकार दिया गया है। नाबालिगों के संरक्षण हेतु पिता के पश्चात् माता को स्थान दिया गया है।

महिलाओं को समुचित अधिकार प्रदान किये गये हैं जो पूर्व में नहीं थे। अब लड़के ही नहीं लड़कियों को भी गोद लिया जा सकता है। एक अविवाहित विधवा व तलाकशुदा स्त्री को भी गोद लेने का अधिकार है। भरणपोषण प्राप्त करने का अधिकार पत्नियों पर छोड़ा जा सकता है।

हिन्दू उत्तराधिकार अधिनियम 1956 के अनुसार स्त्रियों और पुरुषों को समान उत्तराधिकार प्राप्त है विधवा व पुत्रियों को सम्पत्ति में बराबर का हिस्सा प्राप्त होगा स्त्रीधन की परिभाषा व्यापक रूप में की गई है। दहेज देने

व लेने वाले व्यक्ति या उसके सहयोगी को कारावास या जुर्माने से दण्डित किया जायेगा।

भारतीय दण्ड संहिता द्वितीय संशोधन एक्ट में नयी धारा 498—ए इस आशय की जोड़ी गयी है कि विवाहित महिला के साथ उसके पति या ससुराल पक्ष के नातेदारों द्वारा क्रूरता पूर्वक मानसिक या शारीरिक व्यवहार करना एक दण्डनीय अपराध है।

इसके अतिरिक्त भारतीय दण्ड संहिता में सन् 1986 में धारा 304—ख जोड़कर घोषित किया गया कि दहेज यातना से कारित वधु मृत्यु के लिए अपराधी को न्यूनतम सजा 7 साल है वह प्रथा की तरह उसे आजीवन कारावास से दण्डित किया जा सकता है। भारतीय साम्य अधिनियम की धारा 133 क वख के अनुसार यह अवधारणा अनुमानित की जायेगी कि अभियुक्त द्वारा दहेज के लिए मृत्युकारित की गई।

Criminal Law (Amendment Act, 1983) के अन्तर्गत बलात्कार की परिभाषा में परिवर्तन किया गया है। सामूहिक बलात्कार के लिए कठोरतम प्रावधान किया गया है, भारतीय दण्ड संहिता में धारा 376 ए.बी.सी.डी. नई धाराओं को जोड़ा गया है।

गर्भवती महिला के जीवनके अथवा शारीरिक व मानसिक स्वास्थ्य के हित में रजिस्टर्ड डॉक्टरों द्वारा गर्भ समापन की व्यवस्था की गई है।

श्रमिक महिलाओं के हित में फ़ैक्ट्रीज एक्ट के अन्तर्गत किसीमहिला से खतरनाक मशीन को ऑपरेट नही कराया जा सकता है। रोजगार के मामले में नियुक्ति के समय की आयु को पुरुषों से अधिक रखा जाकर रियायत दी गई है।

यदि महिला दहेज निरोधक अधिनियम भरण पोषण प्राप्त करने बलात्कार व्यपहरण या अपहरण जैसे आपराधिक मामलों में परिवादी हो अथवा विवाह विषयक वाद में पक्षकार हो या 25000/- से वार्षिक आय कम होने निर्धन हो तो विधिक सहायता प्राप्त कर सकती है। सारांश रूप में हम कह सकते है कि महिलायें समाज को खड़ा करने में एक पिल्लर पत्थर या रीढ़ की हड्डी के समान कार्य करती है। उसका सम्मान करना एक समृद्धशाली राष्ट्र का सौभाग्य होगा लेकिन आज भी पुरुष प्रधान समाज नारी को बराबरी का दर्जा देने में अपना अपमान समझ रहा है। कानून नारी के पक्ष में होते हुए भी सिद्धान्त और यथार्थ में अन्तर्विरोध अब भी विद्यमान है। यदि वास्तव में नारी को पुरुष के समकक्ष लाना है, उसको शोषण व अन्याय से मुक्त करना है तो उसे चेतन, आत्मनिर्भर व सुशिक्षित बनना होगा। कानून के अलावा सम्पूर्ण समाज, राज्य व प्रशासन द्वारा भी उसके हितों की रक्षा करना अनिवार्य है। महिला विकास प्राधिकरण और विधिक प्रकोष्ठ (लिंगल सेल) भी इस सम्बद्ध में सहायक सिद्ध हो सकते है।

महिलाओं से संबंधित प्रकरणों में कानूनों की प्रभावशाली ढंग से व्याख्या निष्पादित करने के लिए न्यायालय, अनुसंधान अधिकारी, अभियोजन, अभिभाषण वर्ग, समाज व प्रशासन का विशेष उत्तरदायित्व है अथवा कानून अपनी मोटी पुस्तकों में भी सिमट कर रह जायेगा। भारत ही नहीं वरन विश्व स्तर पर महिलाओं के अधिकारों को सुरक्षित करने का प्रयास किया जा रहा है। ऐसी परिस्थितियों में महिलाओं को व्यवहारिक जीवन में अपनी विशिष्ट योग्यताओं व साहस से पुरुष की भावनाओं की कद्र करनी चाहिए यह संसार भावनाओं के खेल पर आधारित है महिलायें भी यदि सैद्धान्तिक वाद—विवादों को छोड़कर पुरुषों की भावनाओं की कद्र करेगी तो निश्चित रूप से उस एक विशेष सम्मान के साथ देखा जायेगा तथा बिना मांगे उसे वो सभी अधिकार प्राप्त होंगे

जो उसने हिंसा व क्लेश के कारण खो दिए हैं, नारी को धैर्य, विनम्रता, सहजता, प्रेम, सहयोग, स्वाभिमान, व बलिदान जैसे मोती की माला को पहनकर पुरुष समाज का सहयोग करना होगा तभी संसार में वह मां, दुर्गा, सरस्वती, पार्वती, सीता व अनुसूया, की तरह पूजी जायेगी इसी विश्वास के साथ इस पत्र का यही समापन करती हूँ।

निष्कर्ष -

अतः यदि कानूनों को दृढ़ता से पालन करें, ताकि अपराधों पर रोक लगे लेकिन विधि की छात्रा होने के नाते मैं पूरे समाज देश से यही अपील करना चाहती हूँ। स्त्री-पुरुष, भेदभाव नीति समाप्त करनी होगी। स्त्री शिक्षा को बढ़ावा देना होगा, उसे नौकरी व्यवसाय की स्वतंत्रता प्रदान करनी होगी, ताकि स्वयं आत्मनिर्भर होगी तो वह पुरुष का हर स्तर पर मुकाबला कर लेगी, शिक्षा ही अधिकार-कर्तव्यों को जन्म देती है। पुरुष सिर्फ अपने लिए शिक्षा का उपयोग करता है, नारी सम्पूर्ण समाज को उच्च स्तर पर लाने का प्रयास करती है। नारी की सुरक्षा के लिए उसे प्रशिक्षण देना चाहिए ताकि वह मानसिक तौर पर मजबूत बन सके। माता-पिता समाज को नारी की सुरक्षा के लिए कड़े सख्त नियम बनाने चाहिए ताकि अपराधी अपराध के बारे में सोच भी ना सके।

जय-हिन्द, जय-संविधान। जय भारत।

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डॉ. कप्तान चन्द

सह-आचार्य (विधि)

४-अ-१८ पवनपुरी, बीकानेर (राजस्थान)

विधि के क्षेत्र में 2003 से जुड़े हुए हैं। बी.ए., एम.ए. (समाजशास्त्र), एलएल.बी., एलएल.एम. (ट्रिपल) के साथ ही पी.जी.डिप्लोमा इन लेबर लॉ, पी.जी. डिप्लोमा इनफोरेंसिक साइंस व पी.जी. डिप्लोमा इन साइबर लॉ में किया, यूजीसी से 'नेट' (सहायक आचार्य) की योग्यता भी हासिल की ओर 'सीमित दायित्व साझेदारी एक वैश्विक रूख (एक विश्लेषणात्मक एवं तुलनात्मक अध्ययन)' विषय से शोध कार्य पूरा कर डॉक्टरेट की उपाधि धारण की। पढ़ने, पढ़ाने में रुचि रखने वाले व समाज सेवा में तत्पर रहते हैं। विद्यालय शिक्षा के दौरान खेल-कूद प्रतियोगिताओं एवं स्काउट में भाग लिया और अच्छा प्रदर्शन किया।

महाविद्यालय शिक्षा के दौरान तीरंदाजी में राज्य स्तरीय मेडल लिए। एनएसएस व एनसीसी कैडेट भी रहे साथ ही सांस्कृतिक कार्यक्रम में भी अव्वल रहे। बचपन से ही सच्चा सौदा संस्था से जुड़े हैं। इसलिए स्वयं तो हर प्रकार के नशों से दूर हैं ही साथ ही अपने मित्रों को भी नशों से दूर रहने को प्रेरित करते रहते हैं और मानव सेवाके भाव संतों की शिक्षा से भरे हुए हैं।

विधि विषय संबंधी एक पुस्तक प्रकाशित हो चुकी है। जो विधि के क्षेत्र में साझेदारी में काम करने के विधिक प्रावधानों संबंधी जानकारी की महत्वपूर्ण पुस्तक है।

19 वर्षों से विभिन्न क्षेत्रों में जरूरत मंद लोगों को विधिक सहायता सलाहकार के रूप में उपलब्ध कराने के साथ 12 वर्षों से विभिन्न राजकीय एवं निजी विधि महाविद्यालयों, विश्वविद्यालयों में अध्यापन कार्य एवं प्रशासनिक कार्य अनुभव होने के साथ 7 वर्षों से विधि विषय में शोध कार्य करने व अपने पर्यवेक्षण में शोध कराने का अनुभव है। अपने पर्यवेक्षण में 4 शोधार्थियों को डॉक्टरेट उपाधि दिला चुके, जो श्रमिकों के पुनर्वास, परंपरागत ज्ञान के संरक्षण, देह व्यापार के लिए मानव तस्करी एवं सूचना के अधिकारों जैसे अति महत्वपूर्ण विषय शामिल हैं। 6 शोधार्थी पर्यवेक्षण में शोध कार्य कर रहे हैं।

UGC & HRDC JNVU, Jodhpur द्वारा संचालित विभिन्न विषयों पर कराए गए कोर्सेज जो विश्वविद्यालय स्तरीय आवश्यक ट्रेनिंग कोर्स हैं, भी किए जैसे :- गुरु दक्षता प्रोग्राम (FIP, MOOCs, Refresher Course) इत्यादि।

मानवाधिकार संरक्षण विषय की एक शोध पत्रिका में सह-संपादन किया। विभिन्न पत्रिकाओं में 8 शोध पत्र प्रकाशित हो चुके हैं। विभिन्न विषयों पर सेमिनार के आयोजन किये जिसमें से एक में आयोजन सचिव के रूप में, एक में संयोजक के रूप में व एक में तकनीकी सहायक के रूप में सेवाएं दी व एक सेमिनार में चेयरपर्सन के रूप में स्थान ग्रहण किया। विधि स्नातकोत्तर में 24 विद्यार्थियों को लघु शोधकार्य करा चुके। 40 से अधिक सेमिनार/वैबीनार एवं कार्यशालाओं में भाग लिया, जिसमें 28 में पत्र वाचन किया है। विभिन्न विश्वविद्यालयों एवं इंस्टीट्यूट में बाह्य परीक्षक के रूप में कार्य कर रहे हैं।

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डॉ. कप्तान चन्द सह-आचार्य (विधि) विधि के क्षेत्र में 2003 से जुड़े हुए हैं। एल. एल. बी., एल. एल. एम. (तीन ब्रांच में) की साथ ही पी जी डिप्लोमा इन लेबर लॉ, पी जी डिप्लोमा इन फॉरेंसिक साइंस व पी जी डिप्लोमा इन साइबर लॉ में किया, यूजीसी नेट की योग्यता भी हासिल की और 'सीमित दायित्व साझेदारी एक वैश्विक रूप (एक विश्लेषणात्मक एवं तुलनात्मक अध्ययन)' विषय से शोध कार्य पूरा कर डॉक्टरेट की उपाधि धारण की।

विधि विषय संबंधी एक पुस्तक प्रकाशित हो चुकी है।

19 वर्षों से विभिन्न क्षेत्रों में जरूरतमंद लोगों को विधिक सहायता सलाहकार के रूप में उपलब्ध कराने के साथ 12 वर्षों से विभिन्न विधि महाविद्यालयों, विश्वविद्यालयों में अध्यापन कार्य एवं प्रशासनिक कार्य अनुभव होने के साथ 7 वर्षों से विधि विषय में शोध कार्य करने व अपने पर्यवेक्षण में शोध कराने का अनुभव है। अपने पर्यवेक्षण में 4 शोधार्थियों को डॉक्टरेट उपाधि दिला चुके। 6 शोधार्थी पर्यवेक्षण में शोधकार्य कर रहे हैं।

विभिन्न पत्रिकाओं में 8 शोध पत्र प्रकाशित हो चुके हैं।

विभिन्न विषयों पर सेमिनार के आयोजन किये जिसमें से एक में आयोजन सचिव के रूप में, एक में संयोजक के रूप में व एक में तकनीकी सहायक के रूप में सेवाएं दी व एक सेमिनार में चेयरपर्सन के रूप में स्थान ग्रहण किया।

विधि स्नातकोत्तर में 24 विद्यार्थियों को शोध कार्य करा चुके।

एक पुस्तक प्रकाशित हो चुकी है।

35 सेमिनार एवं कार्य शालाओं में भाग लिया, जिसमें 28 में पत्र वाचन किया है।

विभिन्न विश्वविद्यालयों एवं इंस्टीट्यूट में बाह्य परीक्षक के रूप में कार्य कर रहे हैं।



डॉ. सीमा जैन शिक्षण योग्यता समाजशास्त्र विषय में स्नातकोत्तर होकर 'अविवाहित कामकाजी महिलाओं के समक्ष व्यवसायिक चुनौतियां' विषय पर शोध कार्य कर पीएच.डी. की डिग्री हासिल की। 15-20 राष्ट्रीय और अंतरराष्ट्रीय सेमिनारों में शोध पत्रों का प्रस्तुतीकरण किया। 10-12 राष्ट्रीय एवम अंतरराष्ट्रीय जर्नल में शोध पत्रों का प्रकाशन हो चुका। मानवाधिकारों के संरक्षण विषय पर राष्ट्रीय सेमिनार की निर्देशक रही। तथा 8-9 में सेमिनारों में अध्यक्षता करते हुए तकनीकी सत्रों का संचालन किया। पिछले 15 वर्षों से शिक्षण कार्य में संलग्न है। 6 शोधार्थी महत्वपूर्ण विषयों पर पीएच.डी. डिग्री हेतु निर्देशन में संलग्न है। अन्य कई विश्वविद्यालयों में शोध कार्य में बाहरी परीक्षक के तौर पर निरंतर सेवाओं में संलग्न है। सामाजिक सरोकारों के तहत विद्यार्थी जीवन से ही सक्रिय भागीदारी निभाते हुए अब मानवाधिकारों के संरक्षण और महिला अधिकारों के संरक्षण हेतु अखिल भारतीय जनवादी महिला समिति (Aidwa) राजस्थान राज्य महासचिव के पद पर अपनी सक्रिय भूमिका निभा रही है।



डॉ. अशोक कुमार व्यास वर्तमान में सहायक प्राध्यापक, (आर्थिक एवं वित्तीय प्रबन्ध) वाणिज्य विभाग, बिनानी कन्या महाविद्यालय, बीकानेर (राजस्थान) में कार्यरत हैं। अध्ययन-अध्यापन के क्षेत्र में 14 वर्षों से निरन्तर कार्य कर रहे हैं, साथ ही ज्योतिष एवं दर्शनशास्त्र में विशेष रुचि रखकर समाज कल्याण के लिए प्रयत्नशील हैं। 20 से अधिक शोध पत्र विभिन्न राष्ट्रीय एवं अंतरराष्ट्रीय पत्रिकाओं में प्रकाशित, आर्थिक चिंतन एवं ज्योतिष पर भी अनेकों आलेख समाचार पत्रों में प्रकाशित हैं।

प्रकाशित पुस्तक : व्यावसायिक सांख्यिकी, ग्रामीण विकास में गैर सरकारी संगठन।

शीघ्र प्रकाशित पुस्तकें : "ग्रामीण विकास में महिलाओं का योगदान", "कृषि सांख्यिकी," "व्यावसायिक अर्थशास्त्र," "अष्टादश पुराण में ज्योतिष," "श्री कृष्ण का अर्थशास्त्र"। कई राष्ट्रीय एवं अंतरराष्ट्रीय संगोष्ठियों में शोध पत्र वाचन का श्रेय प्राप्त है।

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स्वामी, प्रकाशक, मुद्रक गुगनराम सोसायटी रजि. के लिए डॉ. नरेश सिहाग एडवोकेट ने मनभावन प्रिन्टर्स, भिवानी से छपवाकर गीना प्रकाशन, 202, पुराना हाऊसिंग बोर्ड भिवानी-127021 (हरि.) से वितरित की।

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